- 1 SB67
- 2 167635-9
- 3 By Senator Ward
- 4 RFD: Judiciary
- 5 First Read: 03-MAR-15
- 6 PFD: 03/02/2015

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SB67
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        ENROLLED, An Act,
 5
                  Relating to crimes and offenses and supervision; to
        amend Sections 12-25-32 and 12-25-33, Code of Alabama 1975,
 6
7
        relating to the Alabama Sentencing Commission; to amend
        Sections 13A-5-3, 13A-5-6, 13A-5-9, 13A-5-11, 13A-5-13,
 8
        13A-7-7, 13A-8-4, 13A-8-5, 13A-8-8, 13A-8-9, 13A-8-10.2,
 9
        13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3, 13A-9-4, 13A-9-7,
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11
        13A-9-14, 13A-12-212, 13A-12-213, and 13A-12-291, Code of
12
        Alabama 1975, relating to crimes and offenses to create a
13
        Class D felony offense classification and to reclassify
        certain crimes and offenses based on such Class D
14
15
        classification and to revise certain driver license suspension
16
        provisions for drug related offenses; to amend Sections
        14-14-2, 14-14-4, 14-14-5, 15-12-21, 15-18-8, 15-18-171,
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        15-18-172, 15-18-174, 15-18-176, 15-18-180, 15-18-182,
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        15-22-24, 15-22-26, 15-22-28, 15-22-29, 15-22-31, 15-22-32,
19
        15-22-33, 15-22-36, 15-22-36.2, 15-22-37, 15-22-50, 15-22-51,
20
        15-22-52, 15-22-53, and 15-22-54, Code of Alabama 1975,
21
22
        relating to sentences and punishment to revise medical
23
        furlough provisions, to provide for split sentencing
        provisions for Class C and D felonies, to provide for
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        supervision and treatment requirements and guidelines for
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community corrections programs, to provide for supervision and treatment requirements and guidelines for parolees and probationers, to provide for parole release guidelines, to provide for sanctions for parole and probation violations, to provide quidelines for early release from supervision for parolees and probationers, and to expand the automated victim notification system; to amend Section 29-2-20, Code of Alabama 1975, relating to the Joint Prison Oversight Committee; to amend Section 36-18-25, Code of Alabama 1975, relating to DNA samples; to add Sections 13A-8-4.1, 13A-8-8.1, 13A-8-18.1, 13A-9-3.1, and 13A-9-6.1 to the Code of Alabama 1975 to add certain crimes and offenses based on new crime classifications established; to provide for the crime of theft of services third degree; to add Sections 15-22-26.1, 15-22-36.3, and 15-22-57 to the Code of Alabama 1975 relating to the Board of Pardons and Paroles; to provide for a mandatory supervision period on a straight sentence; to provide that the court shall retain jurisdiction of a person for purposes of collecting court-ordered fines, fees, costs, or restitution; to provide for alternative treatments; to provide federal aid provisions for felony offenders; to provide for limited driving permits; to provide for release into federal custody for persons whose federal sentence exceeds their state sentence; to provide for the utilization of certain faith-based treatment services; to provide for certain requirements for the detainment of

1	juveniles; and in connection therewith would have as its
2	purpose or effect the requirement of a new or increased
3	expenditure of local funds within the meaning of Amendment 621
4	of the Constitution of Alabama of 1901, now appearing as
5	Section 111.05 of the Official Recompilation of the
6	Constitution of Alabama of 1901, as amended.
7	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
8	Section 1. Sections 12-25-32 and 12-25-33, Code of
9	Alabama 1975, are hereby amended to read as follows:
10	"§12-25-32.
11	"For the purposes of this article, the following
12	terms have the following meanings:
13	"(1) COMMISSION. The Alabama Sentencing Commission,
14	established as a state agency under the Supreme Court by this
15	chapter.
16	"(2) CONTINUUM OF PUNISHMENTS. An array of
17	punishment options, from probation to incarceration, graduated
18	in restrictiveness according to the degree of supervision of
19	the offender including, but not limited to, all of the
20	following:
21	"a. Active incarceration. A sentence, other than an
22	intermediate punishment or unsupervised probation, that
23	requires an offender to serve a sentence of imprisonment. The
24	term includes time served in a work release program operated
25	as a custody option by the Alabama Department of Corrections

1	or in the Supervised Intensive Restitution program of the							
2	Department of Corrections pursuant to Article 7, commencing							
3	with Section 15-18-110, of Chapter 18 of Title 15.							
4	"b. Intermediate punishment. A sentence that may							
5	include assignment to any community based punishment program							
6	or may include probation with conditions or probation in							
7	conjunction with a period of confinement. Intermediate							
8	punishments include, but are not limited to, all of the							
9	following options:							
10	"1. A split sentence pursuant to Section 15-18-8.							
11	"2. Assignment to a community punishment and							
12	corrections program pursuant to the Alabama Community							
13	Punishment and Corrections Act or local acts.							
14	"3. Assignment to a community based manual labor							
15	work program pursuant to Sections 14-5-30 to 14-5-37,							
16	inclusive.							
17	"4. Intensive probation supervision pursuant to							
18	Section 15-22-56.							
19	"5. Cognitive and behavioral training.							
20	"6. Community service work.							
21	"7. County probation.							
22	"8. Day fines or means-based fines.							
23	"9. Day reporting.							
24	"10. Drug or alcohol testing.							

"11. Drug court programs.

1	"12. Educational programs.
2	"13. Electronic monitoring.
3	"14. Home confinement or house arrest.
4	"15. Ignition interlock.
5	"16. Intermittent confinement.
6	"17. Jail and prison diversion programs.
7	"18. Job readiness and work.
8	"19. Literacy and basic learning.
9	"20. Pretrial diversion programs.
10	"21. Residential drug treatment.
11	"22. Residential community based punishment programs
12	in which the offender is required to spend at least eight
13	hours per day, or overnight, within a facility and is required
14	to participate in activities such as counseling, treatment,
15	social skills training, or employment training, conducted at
16	the residential facility or at another specified location.
17	"23. Restorative justice <u>as established in Section</u>
18	<u>12-17-226.6</u> .
19	"(i) Victim impact panels.
20	"(ii) Voluntary victim offender conferencing.
21	"(iii) Voluntary victim offender mediation.
22	"24. Self-help groups.
23	"25. Sobrietor or breath alcohol remote monitoring.
24	"26. Substance abuse education and treatment.
25	"27. Treatment alternatives to street crime (TASC).

1	"28. Voice recognition, curiew restriction, or								
2	employment monitoring.								
3	"29. Work release, other than those work release								
4	programs operated by the Alabama Department of Corrections, as								
5	a custody option.								
6	"c. Unsupervised probation. A sentence in a criminal								
7	case that includes a period of probation but does not include								
8	supervision, active incarceration, or an intermediate								
9	punishment.								
10	"d. Post-release supervision. A mandatory period of								
11	supervision following sentences of active incarceration as								
12	defined in paragraph a. that may include one or more								
13	intermediate punishment options.								
14	"(3) COURT. Unless otherwise stated, a district or								
15	circuit court exercising jurisdiction to sentence felony								
16	offenders.								
17	"(4) EVIDENCE-BASED PRACTICES. Policies, procedures,								
18	programs, and practices proven by widely accepted and								
19	published research to reliably produce reductions in								
20	recidivism.								
21	" $\frac{(4)}{(5)}$ FELONY OFFENSE. A noncapital felony								
22	offense.								
23	" (5) (6) INITIAL VOLUNTARY STANDARDS. The voluntary								
24	sentencing standards effective on October 1, 2006. These								
25	standards were based on statewide historic sentences imposed								

Τ	with normative adjustments designed to reflect current
2	sentencing policies.
3	" $\frac{(6)}{(7)}$ NONVIOLENT OFFENSE. All offenses which are
4	not violent offenses.
5	" $\frac{(7)}{(8)}$ NONVIOLENT OFFENDER. Any offender who does
6	not qualify as a violent offender pursuant to subdivision (13)
7	<u>(14)</u> .
8	" $\frac{(8)}{(9)}$ OFFENDER. A person convicted of a
9	noncapital felony offense.
10	" $\frac{(9)}{(10)}$ RELEASE AUTHORITY. Any public official,
11	agency, or other entity authorized by law to release a
12	sentenced offender from incarceration or other conditions of a
13	sentence.
14	" (10) <u>(11) VALIDATED</u> RISK <u>AND NEEDS</u> ASSESSMENT. An
15	instrument designed to assess an offender's relative risk for
16	reoffending actuarial tool that has been validated and
17	established by administrative rule in Alabama to determine the
18	likelihood of an offender engaging in future criminal
19	behavior. The Board of Pardons and Paroles and the Department
20	of Corrections shall adopt compatible tools to conduct a
21	validated risk and needs assessment upon offenders within the
22	jurisdiction of the state. A validated risk and needs
23	assessment shall include, but not be limited to, an offender's
24	prior criminal history, the nature and severity of the present

offense, and potential for future violence.

Т	"(11) (12) TRUTH-IN-SENTENCING STANDARDS. The Truth							
2	in sentencing is sentencing standards that are scheduled to							
3	become effective October 1, 2020. These standards shall be							
4	based on statewide historic time served for offenses with							
5	adjustments designed by the commission to reflect current							
6	sentencing policies.							
7	" $\frac{(12)}{(13)}$ UNDER SUPERVISION. All offenders under							
8	the supervision of any criminal justice agency or program							
9	including, but not limited to, any of the following entities:							
10	"a. The Alabama Department of Corrections.							
11	"b. State or county probation offices.							
12	"c. Community corrections programs pursuant to							
13	Alabama Community Corrections Act.							
14	"d. Jails.							
15	"e. State or local law enforcement agencies.							
16	"f. Any court.							
17	" $\frac{(13)}{(14)}$ VIOLENT OFFENDER. A violent offender is							
18	an offender who has been convicted of a violent offense, or							
19	who is determined by the trial court judge or a release							
20	authority to have demonstrated a propensity for violence,							
21	aggression, or weapons related behavior based on the criminal							
22	history or behavior of the offender while under supervision of							
23	any criminal justice system agency or entity.							
24	" (14) <u>(15)</u> VIOLENT OFFENSE.							

1	"a. For the purposes of this article, a violent
2	offense includes each of the following offenses, or any
3	substantially similar offense to those listed in this
4	subdivision created after June 20, 2003:
5	"1. Capital murder pursuant to Sections 13A-6-2 and
6	13A-5-40.
7	"2. Murder pursuant to Section 13A-6-2.
8	"3. Manslaughter pursuant to Section 13A-6-3.
9	"4. Criminally negligent homicide pursuant to
10	Section 13A-6-4.
11	"5. Assault I pursuant to Section 13A-6-20.
12	"6. Assault II pursuant to Section 13A-6-21.
13	"7. Compelling street gang membership pursuant to
14	Section 13A-6-26.
15	"8. Kidnapping I pursuant to Section 13A-6-43.
16	"9. Kidnapping II pursuant to Section 13A-6-44.
17	"10. Rape I pursuant to Section 13A-6-61.
18	"11. Rape II pursuant to Section 13A-6-62.
19	"12. Sodomy I pursuant to Section 13A-6-63.
20	"13. Sodomy II pursuant to Section 13A-6-64.
21	"14. Sexual torture pursuant to Section 13A-6-65.1.
22	"15. Sexual abuse I pursuant to Section 13A-6-66.
23	"16. Enticing a child to enter a vehicle for immoral
24	purposes pursuant to Section 13A-6-69.

"17. Stalking pursuant to Section 13A-6-90.

Τ	"18. Aggravated stalking pursuant to Section
2	13A-6-91.
3	"19. Soliciting a child by computer pursuant to
4	Section 13A-6-110.
5	"20. Domestic violence I pursuant to Section
6	13A-6-130.
7	"21. Domestic violence II pursuant to Section
8	13A-6-131.
9	"22. Burglary I pursuant to Section 13A-7-5.
10	"23. Burglary II pursuant to Section 13A-7-6.
11	"24. Burglary III pursuant to <u>subdivision (1) or</u>
12	subdivision (2) of subsection (a) of Section 13A-7-7.
13	"25. Arson I pursuant to Section 13A-7-41.
14	"26. Criminal possession of explosives pursuant to
15	Section 13A-7-44.
16	"27. Extortion I pursuant to Section 13A-8-14.
17	"28. Robbery I pursuant to Section 13A-8-41.
18	"29. Robbery II pursuant to Section 13A-8-42.
19	"30. Robbery III pursuant to Section 13A-8-43.
20	"31. Pharmacy robbery pursuant to Section 13A-8-51.
21	"32. Terrorist threats pursuant to Section
22	13A-10-15.
23	"33. Escape I pursuant to Section 13A-10-31.

Τ	"34. Promoting prison contraband I pursuant to							
2	Section 13A-10-36, involving a deadly weapon or dangerous							
3	instrument.							
4	"35. Intimidating a witness pursuant to Section							
5	13A-10-123.							
6	"36. Intimidating a juror pursuant to Section							
7	13A-10-127.							
8	"37. Treason pursuant to Section 13A-11-2.							
9	"38. Discharging a weapon into an occupied building,							
10	dwelling, automobile, etc., pursuant to Section 13A-11-61.							
11	"39. Promoting prostitution I pursuant to Section							
12	13A-12-111.							
13	"40. Production of obscene matter involving a minor							
14	pursuant to Section 13A-12-197.							
15	"41. Trafficking pursuant to Section 13A-12-231.							
16	"42. Child abuse pursuant to Section 26-15-3.							
17	"43. Elder abuse pursuant to Section 38-9-7.							
18	"44. Terrorism pursuant to Section 13A-10-152.							
19	"45. Hindering prosecution for terrorism pursuant to							
20	Section 13A-10-154.							
21	"46. Domestic violence III pursuant to subsection							
22	(d) of Section 13A-6-132.							
23	"47. Domestic violence by strangulation or							
24	suffocation pursuant to Section 13A-6-138.							

1	"48. Human trafficking I pursuant to Section							
2	<u>13A-6-152.</u>							
3	"49. Human trafficking II pursuant to Section							
4	<u>13A-6-153.</u>							
5	"50. Hindering prosecution in the first degree							
6	pursuant to Section 13A-10-43.							
7	"46. $51.$ Any substantially similar offense for which							
8	an Alabama offender has been convicted under prior Alabama law							
9	or the law of any other state, the District of Columbia, the							
10	United States, or any of the territories of the United States.							
11	"b. The basis for defining these offenses as violent							
12	is that each offense meets at least one of the following							
13	criteria:							
14	"1. Has as an element, the use, attempted use, or							
15	threatened use of a deadly weapon or dangerous instrument or							
16	physical force against the person of another.							
17	"2. Involves a substantial risk of physical injury							
18	against the person of another.							
19	"3. Is a nonconsensual sex offense.							
20	"4. Is particularly reprehensible.							
21	"c. Any attempt, conspiracy, or solicitation to							
22	commit a violent offense shall be considered a violent offense							
23	for the purposes of this article.							
24	"d. Any criminal offense which meets the criteria							
25	provided in paragraph b. enacted after 2003.							

1	"\$12-25-33.
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2 "To achieve the goals recognized by the Legislature 3 in Chapter 25 and Section 12-25-31, the commission shall:

- "(1) Develop, maintain, and modify as necessary a system of statewide voluntary sentencing standards for use in felony cases which shall take into account historical sentencing data, concerning time actually served for various felony offenses, sentences imposed for various felony offenses, and such other factors as appear historically relevant to determining both the duration and disposition of sentences in felony cases. The standards shall recognize a continuum of punishments in recommending the disposition of sentences.
- "(2) Educate judges, prosecutors, defense attorneys, victim's service officers, community corrections officials, probation officers, and other personnel, where appropriate, in the use of the voluntary sentencing standards and worksheets.
- "(3) Develop, distribute, and periodically update sentencing worksheets for the use of courts in determining both the duration and disposition of sentences in felony cases.
- "(4) Prepare, distribute, and periodically update a form for sentencing courts to record the sentence of the offender and the reason or reasons for any departure from the voluntary sentencing standards.

"(5) Develop and distribute voluntary standards for sentencing courts that include recommended intermediate punishment options.

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- "(6) Evaluate <u>validated</u> risk <u>and needs</u> assessment instruments used by the Board of Pardons and Paroles, the Department of Corrections, and other agencies and entities and assist in developing an offender risk <u>and needs</u> assessment instrument for use in felony cases, based on a study of Alabama felons, that is intended to be predictive of the relative risk that a felon will become a threat to public safety.
- "(7) Collect, analyze, and maintain data regarding sentencing practices in felony cases, including the use of the voluntary sentencing standards, and recommend changes or modifications of the standards and worksheets as the commission deems appropriate.
- "(8) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to enable the commission to make recommendations regarding projected correctional resource needs and to make recommendations to the Governor, the Legislature, the Chief Justice, and the Attorney General in the annual report of the commission. This annual report should also include data showing the impact of the initial voluntary standards and the

1	truth-in-sentencing	standards	bу	race,	gender,	and	location	of
2	the offender.							

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- "(9) Study felony statutes in the context of sentencing patterns as they evolve and make recommendations for the revision of criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.
- "(10) Study bills introduced in the Legislature affecting criminal laws and procedure and prepare impact statements of proposed legislation on Alabama's criminal justice system, including the prison population.
- "(11) Report upon its work and recommendations annually to the Governor, the Legislature, the Chief Justice, and the Attorney General, to include the number of incarcerated inmates that are currently only serving a sentence for a nonviolent offense and who also have a violent offense in their criminal history. The Department of Corrections shall provide to the commission any information necessary to complete such report.
- "(12) Conduct the research necessary to determine
 the appropriate point values for offenses classified as Class

 D felonies for purposes of the sentencing guidelines and
 establish such point values within the sentencing range set
 forth in Section 13A-5-6.

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"<del>(12)</del> (13) Perform such other functions as may be
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 2
         required by law or necessary to carry out the duties of the
 3
         commission prescribed in this chapter and this article.
                   Section 2. Sections 13A-5-3, 13A-5-6, 13A-5-9,
 4
         13A-5-11, 13A-5-13, 13A-7-7, 13A-8-4, 13A-8-5, 13A-8-8,
 5
         13A-8-9, 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3,
 6
         13A-9-4, 13A-9-7, 13A-9-14, 13A-12-212, 13A-12-213, and
7
         13A-12-291 Code of Alabama 1975, are hereby amended to read as
         follows:
 9
                   "$13A-5-3.
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11
                   "(a) Offenses are designated as felonies,
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        misdemeanors or violations.
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                   "(b) Felonies are classified according to the
14
        relative seriousness of the offense into three four
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        categories:
                   "(1) Class A felonies;
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                   "(2) Class B felonies; and
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                   "(3) Class C felonies\overline{\cdot}; and
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                   "(4) Class D felonies.
                   "(c) Misdemeanors are classified according to the
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        relative seriousness of the offense into three categories:
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22
                   "(1) Class A misdemeanors;
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                   "(2) Class B misdemeanors; and
                   "(3) Class C misdemeanors.
24
25
                   "(d) Violations are not classified.
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1	"§13A-5-6.
2	"(a) Sentences for felonies shall be for a definite
3	term of imprisonment, which imprisonment includes hard labor,
4	within the following limitations:
5	"(1) For a Class A felony, for life or not more than
6	99 years or less than 10 years.
7	"(2) For a Class B felony, not more than 20 years or
8	less than 2 years.
9	"(3) For a Class C felony, not more than 10 years or
10	less than 1 year and 1 day and must be in accordance with
11	subsection (b) of Section 15-18-8 unless sentencing is
12	pursuant to Section 13A-5-9.
13	"(4) For a Class D felony, not more than 5 years or
14	less than 1 year and 1 day and must be in accordance with
15	subsection (b) of Section 15-18-8.
16	"(4) (5) For a Class A felony in which a firearm or
17	deadly weapon was used or attempted to be used in the
18	commission of the felony, or a Class A felony criminal sex
19	offense involving a child as defined in Section $15-20-21(5)$
20	<u>15-20A-4</u> , not less than 20 years.
21	" (5) <u>(6)</u> For a Class B or C felony in which a
22	firearm or deadly weapon was used or attempted to be used in
23	the commission of the felony, or a Class B felony criminal sex
24	offense involving a child as defined in Section $15-20-21(5)$
25	<u>15-20A-4</u> , not less than 10 years.

1	"(b) The actual time of release within the
2	limitations established by subsection (a) of this section
3	shall be determined under procedures established elsewhere by
4	law.

- "(c) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is designated as a sexually violent predator pursuant to Section 15-20-25.3 15-20A-19, or where an offender is convicted of a Class A felony criminal sex offense involving a child as defined in Section 15-20-21(5) 15-20A-4, and is sentenced to a county jail or the Alabama Department of Corrections, the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision to be served upon the defendant's release from incarceration.
- "(d) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is convicted of a sex offense pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of age or older and the victim was six years of age or less at the time the offense was committed, the defendant shall be sentenced to life imprisonment without the possibility of parole.

23 "\$13A-5-9.

"(a) In all cases when it is shown that a criminal defendant has been previously convicted of a <u>Class A</u>, <u>Class B</u>,

1	or Class C felony and after the conviction has committed
2	another <u>Class A, Class B, or Class C</u> felony, he or she must be
3	punished as follows:

4 "(1) On conviction of a Class C felony, he or she 5 must be punished for a Class B felony.

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- "(2) On conviction of a Class B felony, he or she must be punished for a Class A felony.
 - "(3) On conviction of a Class A felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.
 - "(b) In all cases when it is shown that a criminal defendant has been previously convicted of any two felonies that are Class A, Class B, or Class C felonies and after such convictions has committed another Class A, Class B, or Class C felony, he or she must be punished as follows:
 - "(1) On conviction of a Class C felony, he or she must be punished for a Class A felony.
 - "(2) On conviction of a Class B felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.
 - "(3) On conviction of a Class A felony, he or she must be punished by imprisonment for life or for any term of not less than 99 years.
- "(c) In all cases when it is shown that a criminal defendant has been previously convicted of any three felonies

1	that are Class A, Class B, or Class C felonies and after such
2	convictions has committed another <u>Class A, Class B, or Class C</u>
3	felony, he or she must be punished as follows:

- "(1) On conviction of a Class C felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.
- "(2) On conviction of a Class B felony, he or she must be punished by imprisonment for life or any term of not less than 20 years.
- "(3) On conviction of a Class A felony, where the defendant has no prior convictions for any Class A felony, he or she must be punished by imprisonment for life or life without the possibility of parole, in the discretion of the trial court.
- "(4) On conviction of a Class A felony, where the defendant has one or more prior convictions for any Class A felony, he or she must be punished by imprisonment for life without the possibility of parole.
- "(d) In all cases when it is shown that a criminal defendant has been previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.
- "(e) In all cases when it is shown that a criminal defendant has been previously convicted of any three or more

1	<u>felonies and after such convictions has committed a Class D</u>
2	felony, upon conviction, he or she must be punished for a
3	Class C felony.
4	"\$13A-5-11.
5	"(a) A sentence to pay a fine for a felony shall be
6	for a definite amount, fixed by the court, within the
7	following limitations:
8	"(1) For a Class A felony, not more than \$60,000;
9	"(2) For a Class B felony, not more than \$30,000;
10	"(3) For a Class C felony, not more than \$15,000; or
11	"(4) For a Class D felony, not more than \$7,500; or
12	" $\frac{(4)}{(5)}$ Any amount not exceeding double the
13	pecuniary gain to the defendant or loss to the victim caused
14	by the commission of the offense.
15	"(b) As used in this section, "gain" means the
16	amount of money or the value of property derived from the
17	commission of the crime, less the amount of money or the value
18	of property returned to the victim of the crime or seized or
19	surrendered to lawful authority prior to the time sentence is
20	imposed. "Value" shall be determined by the standards
21	established in subdivision (14) of Section 13A-8-1.
22	"(c) The court may conduct a hearing upon the issue
23	of defendant's gain or the victim's loss from the crime
24	according to procedures established by rule of court.

1		" (c	d) This	sec	tion	sha	11 1	not	apply	if	a	higher	fine
2	is	otherwise	author	ized	by	law	for	a	specifi	-C	cri	ime.	

"\$13A-5-13.

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- 4 "(a) The Legislature finds and declares the following:
 - "(1) It is the right of every person, regardless of race, color, religion, national origin, ethnicity, or physical or mental disability, to be secure and protected from threats of reasonable fear, intimidation, harassment, and physical harm caused by activities of groups and individuals.
 - "(2) It is not the intent, by enactment of this section, to interfere with the exercise of rights protected by the Constitution of the State of Alabama or the United States.
 - "(3) The intentional advocacy of unlawful acts by groups or individuals against other persons or groups and bodily injury or death to persons is not constitutionally protected when violence or civil disorder is imminent, and poses a threat to public order and safety, and such conduct should be subjected to criminal sanctions.
 - "(b) The purpose of this section is to impose additional penalties where it is shown that a perpetrator committing the underlying offense was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

"(c) A person who has been found quilty of a crime, 1 the commission of which was shown beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows:

"(1) Felonies:

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"a. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 15 years.

"b. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 10 years.

"c. On conviction of a Class C felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than two years.

"d. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical

1	or menta	l disability,	the	sentence	shall	not	be	less	than	18
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<u> </u>	months.									

"d. e. For purposes of this subdivision, a criminal defendant who has been previously convicted of any felony and receives an enhanced sentence pursuant to this section is also subject to enhanced punishment under the Alabama Habitual Felony Offender Act, Section 13A-5-9.

"(2) Misdemeanors:

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"On conviction of a misdemeanor which was found beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.

"\$13A-7-7.

"(a) A person commits the crime of burglary in the third degree if he knowingly enters or remains unlawfully in a building with intent to commit a crime therein. if any of the following occur:

"(1) He or she knowingly enters or remains
unlawfully in a dwelling with the intent to commit a crime
therein;

1	" <u>(2) He or she knowingly enters or remains</u>
2	unlawfully in an occupied building with the intent to commit a
3	<pre>crime therein; or</pre>
4	"(3) He or she knowingly enters or remains
5	unlawfully in an unoccupied building with the intent to commit
6	a crime therein.
7	"(b) Burglary in the third degree is a Class C
8	felony.
9	"§13A-8-4.
10	"(a) The theft of property which exceeds five
11	hundred dollars (\$500) between one thousand five hundred
12	dollars (\$1,500) in value but does not exceed and two thousand
13	five hundred dollars (\$2,500) in value, and which is not taken
14	from the person of another, constitutes theft of property in
15	the second degree.
16	"(b) Theft of property in the second degree is a
17	Class C felony.
18	"(c) The theft of a credit card or a debit card,
19	regardless of its value, constitutes theft of property in the
20	second degree.
21	"(d) (c) The theft of a firearm, rifle, or shotgun,
22	regardless of its value, constitutes theft of property in the
23	second degree.

1	" (e) <u>(d)</u> The theft of any substance controlled by
2	Chapter 2 of Title 20 or any amendments thereto, regardless of
3	value, constitutes theft of property in the second degree.
4	"(f) (e) The theft of any livestock which includes
5	cattle, swine, equine or equidae, or sheep, regardless of
6	their value, constitutes theft of property in the second
7	degree.
8	"(g) Notwithstanding subsection (a), the theft of
9	property which exceeds two hundred fifty dollars (\$250) in
10	value but does not exceed two thousand five hundred dollars
11	(\$2,500) in value, and which is not taken from the person of
12	another, where the defendant has previously been convicted of
13	a theft of property in the first or second degree or receiving
14	stolen property in the first or second degree, constitutes
15	theft of property in the second degree.
16	"§13A-8-5.
17	"(a) The theft of property which does not exceed
18	five hundred dollars (\$500) in value and which is not taken
19	from the person of another constitutes theft of property in
20	the third fourth degree.
21	"(b) Theft of property in the third fourth degree is
22	a Class A misdemeanor.
23	"\$13A-8-8.
24	"(a) The theft of lost property which exceeds five

hundred dollars (\$500) between one thousand five hundred

1	dollars (\$1,500) in value but does not exceed and two thousand
2	five hundred dollars (\$2,500) in value constitutes theft of
3	lost property in the second degree.
4	"(b) Theft of lost property in the second degree is
5	a Class C felony.
6	"\$13A-8-9.
7	"(a) The theft of lost property which does not
8	exceed five hundred dollars (\$500) in value constitutes theft
9	of lost property in the third fourth degree.
10	"(b) Theft of lost property in the third fourth
11	degree is a Class A misdemeanor.
12	"\$13A-8-10.2.
13	"(a) The theft of services which exceeds five
14	hundred dollars (\$500) between one thousand five hundred
15	dollars (\$1,500) in value but does not exceed and two thousand
16	five hundred dollars (\$2,500) in value constitutes theft of
17	services in the second degree.
18	"(b) Theft of services in the second degree is a
19	Class C felony.
20	"\$13A-8-10.3.
21	"(a) The theft of services which does not exceed
22	five hundred dollars (\$500) in value constitutes theft of
23	services in the third fourth degree.
24	"(b) Theft of services in the third fourth degree is

25 a Class A misdemeanor.

1	"\$13A-8-18.
2	"(a) Receiving stolen property:
3	"(1) Which exceeds five hundred dollars (\$500) <u>is</u>
4	between one thousand five hundred dollars (\$1,500) in value
5	but does not exceed and two thousand five hundred dollars
6	(\$2,500) in value; or
7	"(2) Of any value under the circumstances described
8	in subdivision (b)(3) of Section 13A-8-16; constitutes
9	receiving stolen property in the second degree; or.
10	"(3) Notwithstanding subdivision (1) of subsection
11	(a), receiving stolen property which exceeds two hundred fifty
12	dollars (\$250) in value but does not exceed two thousand five
13	hundred dollars (\$2,500) in value where the defendant has
14	previously been convicted of theft of property in the first or
15	second degree or receiving stolen property in the first or
16	second degree, constitutes receiving stolen property in the
17	second degree.
18	"(b) Receiving stolen property in the second degree
19	is a Class C felony.
20	"\$13A-8-19.
21	"(a) Receiving stolen property which does not exceed
22	five hundred dollars (\$500) in value constitutes receiving
23	stolen property in the third fourth degree.
24	"(b) Receiving stolen property in the third fourth

degree is a Class A misdemeanor.

1	"\$13A-9-3.
2	"(a) A person commits the crime of forgery in the
3	second degree if, with intent to defraud, he or she falsely
4	makes, completes or alters a written instrument which is or
5	purports to be, or which is calculated to become or to
6	represent if completed:
7	"(1) A deed, will, codicil, or contract, assignment
8	or a check, draft, note or other commercial instrument which
9	does or may evidence, create, transfer, terminate or otherwise
10	affect a legal right, interest, obligation or status; or
11	"(2) A public record, or an instrument filed or
12	required or authorized by law to be filed in a public office
13	or with a public employee; or
14	"(3) A written instrument officially issued or
15	created by a public office, public employees or government
16	agency.
17	"(b) Forgery in the second degree is a Class C
18	felony.
19	"\$13A-9-4.
20	(a) A person commits the crime of forgery in the
21	third fourth degree if, with intent to defraud, he or she
22	falsely makes, completes or alters a written instrument.
23	(b) Forgery in the third fourth degree is a Class A
24	misdemeanor.

"\$13A-9-7.

1	(a) A person commits the crime of criminal
2	possession of a forged instrument in the third fourth degree
3	if he or she possesses or utters a forged instrument of a kind
4	covered in Section 13A-9-4 with knowledge that it is forged
5	and with intent to defraud.
6	(b) Criminal possession of a forged instrument in
7	the third fourth degree is a Class A misdemeanor.

the third fourth degree is a Class A misdemeanor. "\$13A-9-14.

- "(a) A person commits the crime of illegal possession of a credit or debit card if, knowing that he or she does not have the consent of the owner, he or she takes, exercises control over, or otherwise uses the card.
- "(b) A person commits the crime of fraudulent use of a credit card or debit card if he or she uses, attempts to use, or allows to be used, a credit card or debit card for the purpose of obtaining property, services, or anything else of value with knowledge that:
 - "(1) The card is stolen; or
- "(2) The card has been revoked or cancelled; or
- "(3) For any other reason the use of the card is unauthorized by either the issuer or the person to whom the credit card or debit card is issued. The mere use by the original issuee of a credit card or debit card which has expired is not within the provisions of subdivision (b)(3) of this section.

1	"(c) "Credit card" means any instrument or device,
2	including a card to obtain telecommunication services, whether
3	known as a credit card, credit plate, bank service card,
4	banking card, check guarantee card, welfare card, a card used
5	to facilitate the transfer of government benefits such as an
6	electronic benefit transfer card (EBT card) or similar card,
7	or a debit card, or by any other name, including an account
8	number, issued with or without fee by an issuer for the use of
9	the cardholder in obtaining money, goods, services, or
10	anything else of value, including telecommunication services,
11	on credit or for use in an automated banking device to obtain
12	any of the services offered through the device.

- "(d) "Debit card" means any instrument or writing or other evidence known by any name issued with or without fee by an issuer for the use of a depositor in obtaining money, goods, services, or anything else of value, payment of which is made against funds previously deposited in an account with the issuer.
- "(e) Illegal possession of or fraudulent use of a credit card or debit card is a Class $\stackrel{\cdot}{\text{C}}$ D felony.
- 21 "\$13A-12-212.

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"(a) A person commits the crime of unlawful possession of controlled substance if:

1	"(1) Except as otherwise authorized, he or she
2	possesses a controlled substance enumerated in Schedules I
3	through V.

- "(2) He or she obtains by fraud, deceit, misrepresentation, or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address, a controlled substance enumerated in Schedules I through V or a precursor chemical enumerated in Section 20-2-181.
- 11 "(b) Unlawful possession of a controlled substance 12 is a Class $\stackrel{\bullet}{\leftarrow}$ D felony.
- 13 "\$13A-12-213.

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- "(a) A person commits the crime of unlawful
 possession of marihuana in the first degree if, except as
 otherwise authorized:
- "(1) He <u>or she</u> possesses marihuana for other than personal use; or
- "(2) He <u>or she</u> possesses marihuana for his <u>or her</u>

 personal use only after having been previously convicted of

 unlawful possession of marihuana in the second degree or

 unlawful possession of marihuana for his <u>or her</u> personal use

 only.

1	"(b) Unlawful possession of marihuana in the first
2	degree pursuant to subdivision (1) of subsection (a) is a
3	Class C felony."
4	"(c) Unlawful possession of marihuana in the first
5	degree pursuant to subdivision (2) of subsection (a) is a
6	Class D felony.
7	"§13A-12-291.
8	"(a) A driver's license shall be suspended pursuant
9	to Section 13A-12-290 for conviction of, adjudication of, or a
10	finding of delinquency based on, the following crimes:
11	"(1) Criminal solicitation to commit a controlled
12	substance crime under Section 13A-12-202 the crime of
13	trafficking in specified substances under Section 13A-12-231
14	or unlawful possession with intent to distribute a controlled
15	substance under subsections (c) and (d) of Section 13A-12-211.
16	"(2) Attempt to commit a controlled substance crime
17	under Section 13A-12-203 the crime of trafficking in specified
18	substances under Section 13A-12-231 or unlawful possession
19	with intent to distribute a controlled substance under
20	subsections (c) and (d) of Section 13A-12-211.
21	"(3) Criminal conspiracy to commit a controlled
22	substance crime under Section 13A-12-204 the crime of
23	trafficking in specified substances under Section 13A-12-231.
24	"(4) Unlawful distribution of controlled substances
25	under Section 13A-12-211.

1	" (5) Unlawful possession or receipt of controlled
2	substances under Section 13A-12-212.
3	"(6) Unlawful possession of marihuana in the first
4	degree under Section 13A-12-213.
5	"(7) Unlawful possession of marihuana in the second
6	degree under Section 13A-12-214.
7	"(8) Sale or furnishing of controlled substances by
8	persons over age 18 to persons under age 18 under Section
9	13A-12-215.
10	" $\frac{(9)}{(4)}$ Trafficking in specified substances under
11	Section 13A-12-231.
12	"(5) Unlawful possession with intent to distribute a
13	controlled substance under subsections (c) and (d) of Section
14	<u>13A-12-211.</u>
15	"(10) (b) Driving The suspension of a driver's
16	license for driving under the influence of a controlled
17	substance, or under the combined influence of a controlled
18	substance and alcohol under Sections 32-5A-191(a)(3) and
19	32-5A-191(a)(4) pursuant to Section 32-5A-191 shall be
20	governed by that section.
21	Section 3. Sections 14-14-2, 14-14-4, 14-14-5,
22	15-12-21, 15-18-8, 15-18-171, 15-18-172, 15-18-174, 15-18-176,
23	15-18-180, 15-18-182, 15-22-24, 15-22-26, 15-22-28, 15-22-29,
24	15-22-31, 15-22-32, 15-22-33, 15-22-36, 15-22-36.2, 15-22-37,

1	15-22-50, 15-22-51, 15-22-52, 15-22-53, and 15-22-54, Code of
2	Alabama 1975, are hereby amended to read as follows:
3	"§14-14-2.

"For purposes of this chapter, the following words shall have the following meanings:

"(1) COMMISSIONER. The Commissioner of the Department of Corrections.

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- "(2) DEPARTMENT. The Department of Corrections.
- "(3) GERIATRIC INMATE. A person 55 years of age or older convicted in this state of a non-capital felony offense and sentenced to the penitentiary, who suffers from a chronic life-threatening infirmity, life-threatening illness, or chronic debilitating disease related to aging, who poses a low risk to the community, and who does not constitute a danger to himself or herself or society.
- "(4) PERMANENTLY INCAPACITATED INMATE. A state inmate convicted of a non-capital felony offense and sentenced to the penitentiary who does not constitute a danger to himself or herself or society, and who, by reason of an existing medical condition which is not terminal, is permanently and irreversibly incapacitated, and as a result of the medical or mental condition requires immediate and long-term residential care who possesses a permanent, irreversible physical or mental health condition that prevents him or her from being able to perpetrate a violent physical

action upon another person or self of	<u>r initiate or participate</u>
in a criminal act. The medical or men	ntal health treatment or
need for assistance of such individua	al must require daily
assistance from a caretaker or a long	g-term skilled medical or
rehabilitation center to perform or a	assist with activities of
daily living, such as ambulation, dre	essing, and bathing and/or
must require medications or treatment	ts, such as hemodialysis,
to sustain life which require regular	r diagnostic tests to
monitor therapeutic effectiveness. Lo	ong-term care and housing
needs of such individual with a phys:	ical or mental health
condition described above must have t	the potential to exceed
the capabilities to provide such need	d within the confinement
of a secure correctional facility wit	thin the department.

"(5) TERMINALLY ILL INMATE. A person convicted of a non-capital felony offense who is sentenced to the penitentiary and who has an incurable condition caused by illness or disease which would, with reasonable medical judgment, produce death within 12 months, and who does not constitute a danger to himself or herself or society.

"\$14-14-4.

"(a) The department shall establish a medical furlough program. The commissioner shall adopt the rules and regulations for implementation of the medical furlough program. For each person considered for medical furlough, the commissioner shall determine whether the person is a geriatric

inmate, permanently incapacitated inmate, or terminally ill inmate.

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- "(b) Notwithstanding any other law to the contrary, an inmate who has not served his or her minimum sentence shall be considered eligible for consideration for furlough under this chapter.
- "(c) This chapter shall not apply to inmates convicted of capital murder or a sexual offense.
- "(d) Medical furlough consideration shall be in addition to any other release for which an inmate may be eligible.
- "(e) The commissioner shall determine the conditions of release of any inmate pursuant to this chapter, including the appropriate level of supervision of the inmate, and shall develop a discharge plan for each inmate released under this chapter. Prior to the commissioner granting any release based on the appropriate medical documentation pursuant to subsection (b) of Section 14-14-5, employees of the department shall contact appropriate departments and agencies, which may include, but shall not be limited to, the Department of Public Health, the Department of Human Resources, Medicare, Medicaid, hospice organizations, or other public and nonprofit community service agencies as the commissioner may deem necessary for consultation in developing an appropriate discharge plan, and to confirm that required care and resources are available to

meet the inmate's needs. This chapter is not intended to

expand or create new responsibilities for public agencies for

arranging and providing care.

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- "(f) In considering an inmate for medical furlough, the department may request that additional medical evidence be produced, or that additional medical examinations be conducted.
- "(g) Except as provided herein, the furlough of an inmate on medical furlough shall be for the remainder of the inmate's sentence. In addition to terms and conditions prescribed by the department, supervision of an inmate on medical furlough shall at a minimum consist of biannual medical evaluations by a medical care provider at intervals to be determined by the commissioner at the time of release.
- "(h) If the medical condition of an inmate released pursuant to this chapter should improve to the extent that he or she no longer meets the criteria by which he or she was released, or if he or she violates a condition of release or becomes a danger to himself or herself or others, the commissioner shall revoke the furlough.
- "(i) The commissioner shall report annually to the Joint Legislative Interim Prison Committee, House Judiciary Sentencing Commission Subcommittee, and the Alabama Sentencing Commission on the number of applications for medical furlough, the nature of the illnesses, diseases, and conditions of the

applicants, the number of inmates granted and denied release, and the number of persons on medical furlough who have been returned to the custody of the department. The commissioner shall further report on the status of all inmates who meet the criteria for medical furlough as defined in Section 14-14-2.

This report shall include those individuals who have spent more than 30 calendar days within the prior 12 month time period in an infirmary or under direct medical supervision for the medical condition associated with the furlough request or its comorbidities. The report shall be made in a manner that does not disclose any individual identifying information for any particular inmate and shall be compliant in all respects with the Health Insurance Portability and Accountability Act.

"\$14-14-5.

2.1

"(a) An inmate, or any concerned person, including, but not limited to, the inmate's attorney, family, physician, or an employee or official of the department may initiate consideration for medical furlough by submitting to the department an initial medical release application form along with supporting documentation.

"(b)(1) The initial application form shall include the report of a physician or physicians employed by the department or its health care provider and a notarized report of at least one other duly licensed physician who is board certified in the field of medicine for which the inmate is

seeking a medical furlough and who is not an employee of the department. These reports shall each be of the opinion that the inmate is either terminally ill, permanently incapacitated, or that the inmate suffers from a chronic infirmity, illness, or disease related to aging.

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- "(2) The commissioner shall provide the initial application and medical authorization forms to all department medical care providers, and the forms shall be available at every correctional facility for distribution to inmates.
- "(c) Consideration for medical furlough shall be initiated by the submission of an application from the department, the inmate, or the inmate's representative, along with the department's supporting documentation to the commissioner.
- "(d) If the appropriate medical documentation pursuant to subsection (b) has indicated that the inmate is permanently incapacitated or terminally ill, the commissioner, within 30 60 days of receipt of an initial application form, shall make a decision regarding the release of the inmate on medical furlough pursuant to the provisions of this chapter. The initial application form and supporting document of inmates, who have been diagnosed by a physician as suffering from a chronic illness or disease related to aging, shall be submitted to the commissioner within 60 days of receipt of the application by the department. Supporting documentation shall

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Τ	include information concerning the inmate's medical history
2	and prognosis, age, and institutional behavior. At the
3	inmate's request, the department shall also provide a copy of
4	all supporting documentation to the inmate.
5	"(e) In determining eligibility factors for a
6	medical furlough, the commissioner shall take into
7	consideration all of the following factors:
8	"(1) Risk for violence.
9	"(2) Criminal history.
10	"(3) Institutional behavior.
11	"(4) Age of the inmate, currently and at the time of
12	the offense.
13	"(5) Severity of the illness, disease, or
14	infirmities.
15	"(6) All available medical and mental health
16	records.
17	"(7) Release plans, which include alternatives to
18	caring for terminally ill or permanently incapacitated inmates
19	in traditional prison settings.
20	"(f) The commissioner shall notify the district
21	attorney of the jurisdiction where the inmate was last
22	sentenced of the consideration of an inmate for a medical
23	furlough and afford the district attorney where the crime was
24	prosecuted a reasonable opportunity to object. The
25	commissioner shall also notify the victim or victims of the

crimes listed in paragraphs a. to i., inclusive, of subdivision (1) of subsection (e) of Section 15-22-36, for which the defendant is currently incarcerated, of the review to consider a medical furlough. Notice shall be sent by certified mail, return receipt requested, to the victim or victims named in the indictment.

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"(g) (f) The commissioner shall make a determination whether to grant medical furlough for terminally ill inmates within 30 days of receipt of an initial application and supporting documentation If the commissioner determines that a geriatric inmate, permanently incapacitated inmate, or terminally ill inmate meets the requirements for release to medical furlough pursuant to this chapter, the commissioner shall release the inmate on medical furlough pursuant to the provisions of this chapter within 90 days of receipt by the commissioner of the initial application form and supporting documentation. The commissioner shall have the authority to revoke the inmate's furlough pursuant to subsection (h) of Section 14-14-4.

"(h) (g) The commissioner shall make a determination whether to grant medical furlough for permanently incapacitated inmates within 30 days of receipt of an initial application and supporting documentation At least 30 days prior to release of a geriatric inmate, permanently incapacitated inmate, or terminally ill inmate under

subsection (f), the commissioner shall provide notification of the medical furlough release to the district attorney of the jurisdiction where the inmate was last sentenced and shall also provide notification of the medical furlough release to the victim, victim's representative, and other interested individual via certified mail, return receipt requested, or by using the automated victim notification system as provided in Section 15-22-36 and Section 15-22-36.2.

"(i) The commissioner shall make a determination on whether to grant medical furlough for geriatric inmates within 30 days of receipt of the application and supporting documentation from the department.

"§15-12-21.

2.1

"(a) If it appears to the trial court that an indigent defendant is entitled to counsel, that the indigent defendant does not expressly waive the right to assistance of counsel, and that the indigent defendant is not able financially or otherwise to obtain the assistance of counsel through another indigent defense system for the circuit, the court shall appoint counsel to represent and assist the defendant. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the indigent defendant to the best of his or her ability.

2.1

"(b) If it appears to the trial court in a delinquency case, need of supervision case, or other judicial proceeding in which a juvenile is a party, that the juvenile is entitled to counsel and that the juvenile is not able financially or otherwise to obtain the assistance of counsel or that appointed counsel is otherwise required by law, the court shall appoint counsel to represent and assist the juvenile or act in the capacity of guardian ad litem for the juvenile. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the juvenile to the best of his or her ability.

- "(c) If it appears to the trial court that the parents, guardian, or custodian of a juvenile who is a party in a judicial proceeding, are entitled to counsel and the parties are unable to afford counsel, upon request, the court shall appoint counsel to represent and assist the parents, guardian, or custodian. It shall be the duty of the appointed counsel, as an officer of the court and as a member of the bar, to represent and assist the parties to the best of his or her ability.
- "(d) If the appropriate method for providing indigent defense services is by appointed counsel in a case described in subsections (a), (b), and (c), including cases tried de novo in circuit court on appeal from a juvenile proceeding, appointed counsel shall be entitled to receive for

1	their services a fee to be approved by the trial court. The
2	amount of the fee shall be based on the number of hours spent
3	by the attorney in working on the case. The amount of the fee
4	shall be based on the number of hours spent by the attorney in
5	working on the case and shall be computed at the rate of
6	seventy dollars (\$70) per hour for time reasonably expended on
7	the case. The total fees paid to any one attorney in any one
8	case, from the time of appointment through the trial of the
9	case, including motions for new trial, shall not exceed the
10	following:

- "(1) In cases where the original charge is a capital offense or a charge which carries a possible sentence of life without parole, there shall be no limit on the total fee.
- "(2) Except for cases covered by subdivision (1), in cases where the original charge is a Class A felony, the total fee shall not exceed four thousand dollars (\$4,000).
- "(3) In cases where the original charge is a Class B felony, the total fee shall not exceed three thousand dollars (\$3,000).
- "(4) In cases where the original charge is a Class C or Class D felony, the total fee shall not exceed two thousand dollars (\$2,000).
- "(5) In juvenile cases, the total fee shall not exceed two thousand five hundred dollars (\$2,500).

"(6) In all other cases, the total fee shall not exceed one thousand five hundred dollars (\$1,500).

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"Counsel shall also be entitled to be reimbursed for any nonoverhead expenses reasonably incurred in the representation of his or her client, with any expense in excess of three hundred dollars (\$300) subject to advance approval by the trial court as necessary for the indigent defense services and as a reasonable cost or expense.

Reimbursable expenses shall not include overhead expenses.

Fees and expenses of all experts, investigators, and others rendering indigent defense services to be used by counsel for an indigent defendant shall be approved in advance by the trial court as necessary for the indigent defense services and as a reasonable cost or expense. Retrials of any case shall be considered a new case for billing purposes. Upon review, the director may authorize interim payment of the attorney fees or expenses, or both.

"(e) Within a reasonable time after the conclusion of the trial or ruling on a motion for a new trial or after an acquittal or other judgment disposing of the case, not to exceed 90 days, counsel shall submit a bill for services rendered to the office. The bill shall be accompanied by a certification by the trial court that counsel provided representation to the indigent defendant, that the matter has been concluded, and that to the best of his or her knowledge

the bill is reasonable based on the defense provided. The trial court need not approve the items included on the bill or the amount of the bill, but may provide any information requested by the office or the indigent defense advisory board relating to the representation. The bill for compensation of appointed counsel shall be submitted to the office. After review and approval, the office shall recommend to the Comptroller that the bill be paid. The office may forward the bill to the indigent defense advisory board for review and comment prior to approval. The Comptroller shall remit payment in a timely manner not to exceed 90 days from submission. In the event that payment is not made within 90 days of submission, counsel shall be entitled to receive interest at a rate of six percent until such payment is issued.

"\$15-18-8.

"(a) When a defendant is convicted of an offense, other than a criminal sex offense involving a child as defined in Section 15-20-21(5) 15-20A-4 that constitutes a Class A or Class B felony offense, which constitutes a Class A or B felony and receives a sentence of 20 years or less in any court having jurisdiction to try offenses against the State of Alabama and the judge presiding over the case is satisfied that the ends of justice and the best interests of the public as well as the defendant will be served thereby, he or she may order:

"(1) That the convicted <u>a</u> defendant <u>convicted of a</u>

<u>Class A or Class B felony</u> be confined in a prison, jail-type institution, or treatment institution for a period not exceeding three years in cases where the imposed sentence is not more than 15 years, and that the execution of the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for such period and upon such terms as the court deems best. In cases involving

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"(2) That a defendant convicted of a Class A, Class B, or Class C felony with an imposed sentence of greater than 15 years; but not more than 20 years; the sentencing judge may order that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding of three to five years for Class A or Class B felony convictions and for a period of three years for Class C felony convictions, but not less than three years, during which the offender shall not be eligible for parole or release because of deduction from sentence for good behavior under the Alabama Correctional Incentive Time Act, and that the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for the period upon the terms as the court deems best.

"This subsection shall not be construed to impose
the responsibility for offenders sentenced to a Department of
Corrections facility upon a local confinement facility not
operated by the Department of Corrections.

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"(2) That the convicted defendant may be confined, upon consultation with the Commissioner of the Alabama Department of Corrections (hereinafter called department) in a disciplinary, rehabilitation, conservation camp program (hereinafter called program) of the department. The convicted defendant shall be received into the department in accordance with applicable department rules and regulations and may be placed in the program after completion of this initial reception. The program shall be not less than 90 days nor more than 180 days in duration and shall be operated in accordance with department rules and regulations and as otherwise provided for by law. The commissioner of the department or his or her designee shall report to the sentencing court of each convicted defendant whether or not the convicted defendant completes or does not complete the program with any additional information that the commissioner or his or her designee shall wish to provide the court. Upon receipt of this report, the sentencing court may, upon its own order, suspend the remainder of the sentence and place the convicted defendant on probation as provided herein or order the convicted defendant to be confined to a prison, jail-type institution, or

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treatment institution for a period not to exceed three years and that the execution of the remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best. If the sentencing court imposes additional confinement, as outlined above, credit shall be given for the actual time spent by the convicted defendant in the program. Conviction of an offense or prior offense of murder, rape first degree, kidnapping first degree, sodomy first degree, enticing a child to enter vehicle, house, etc., for immoral purposes, arson first degree, robbery first degree, and sentencing of life without parole will not be eligible for this program. It shall be the duty of the Joint Prison Committee as established by Sections 29-2-20 to 29-2-22, inclusive, to annually review the operation of the program and report their findings to the Alabama Legislature.

"(b) Unless a defendant is sentenced to probation, drug court, or a pretrial diversion program, when a defendant is convicted of an offense that constitutes a Class C or D felony offense and receives a sentence of not more than 15 years, the judge presiding over the case shall order that the convicted defendant be confined in a prison, jail-type institution, treatment institution, or community corrections program for a Class C felony offense or in a consenting community corrections program for a Class D felony offense,

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1	except as provided in subsection (e), for a period not
2	exceeding two years in cases where the imposed sentence is not
3	more than 15 years, and that the execution of the remainder of
4	the sentence be suspended notwithstanding any provision of the
5	law to the contrary and that the defendant be placed on
6	probation for a period not exceeding three years and upon such
7	terms as the court deems best. In all cases when it is shown
8	that a defendant has been previously convicted of any three or
9	more felonies or has been previously convicted of any two or
10	more felonies that are Class A or Class B felonies, and after
11	such convictions has committed a Class D felony, upon
12	conviction, he or she must be punished for a Class C felony.
13	This subsection shall not be construed to impose the
14	responsibility for offenders sentenced to a Department of
15	Corrections facility upon a local confinement facility not
16	operated by the Department of Corrections.
17	"(c) Nothing in this section shall be construed as
18	superseding the sentencing requirements set forth and adopted
19	by the legislature as prescribed by the Alabama Sentencing
20	Commission's Sentencing Standards.
21	"(d) In counties or jurisdictions where no community
22	corrections program exists or resources from a community
23	investment are not complete, a county or jurisdiction may

enter into a compact or contract with another county or other

counties to create a multi-jurisdiction community corrections

1	facility that meets the needs and resources of each county or
2	jurisdiction or enter into a compact or contract with a county
3	or jurisdiction that has a community corrections program to
4	provide services, as provided in and pursuant to Article 9 of
5	Chapter 18 of Title 15.

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"(e) If no community corrections program exists
within a county or jurisdiction and no alternative program
options are available under subsection (e) of Section

15-18-172, a defendant convicted of an offense that
constitutes a Class D felony may be sentenced to
high-intensity probation under the supervision of the Board of
Pardons and Paroles in lieu of community corrections.

"(b) (f) Probation may not be granted for a criminal sex offense involving a child as defined in Section 15-20-21(5) Section 15-20A-4, which constitutes a Class A or B felony. Otherwise, probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

"(c) (q) Regardless of whether the defendant has begun serving the minimum period of confinement ordered under the provisions of subsection subsections (a) or (b), if the

1	<pre>imposed sentence is not more than 20 years, the court shall</pre>
2	retain jurisdiction and authority throughout that period to
3	suspend that portion of the minimum sentence that remains and
4	place the defendant on probation, notwithstanding any
5	provision of the law to the contrary and the court may revoke
6	or modify any condition of probation or may change the period
7	of probation.

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- "(d) (h) While incarcerated or on probation and among the conditions thereof, the defendant may be required:
 - "(1) To pay a fine in one or several sums;
- "(2) To make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and
- "(3) To provide for the support of any persons for whose support he or she is legally responsible.
- "(e) (i) Except as otherwise provided pursuant to Section 10, the defendant's liability for any fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.
- "(f) (j) During any term of probation, the defendant shall report to the probation authorities at such time and place as directed by the judge imposing sentence.
- " $\frac{(g)}{(k)}$ No defendant serving a minimum period of confinement ordered under the provisions of subsection

1	<u>subsections</u> (a) <u>or (b)</u> shall be entitled to parole or to
2	deductions from his or her sentence under the Alabama
3	Correctional Incentive Time Act, during the minimum period of
4	confinement so ordered; provided, however, that this
5	subsection shall not be construed to prohibit application of
6	the Alabama Correctional Incentive Time Act to any period of
7	confinement which may be required after the defendant has
8	served such minimum period.

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"As used in this article, the following terms shall have the following meanings, respectively, unless the context otherwise requires:

- "(1) APPLICATION PROCESS AND PROCEDURES. The criteria and guidelines developed by the Department of Corrections for the establishment of community punishment and corrections programs, the granting of funds for programs authorized herein, and the monitoring, evaluation, and review of programs funded herein.
- "(2) BOARD. The board of directors of the authority or the board of directors of a nonprofit entity.
- "(3) COMMISSIONER. The Commissioner of the 2.1 22 Department of Corrections.
- 23 "(4) COMMUNITY. The county or counties comprising 24 one or more judicial circuits.

1	"(5) COMMUNITY PUNISHMENT AND CORRECTIONS AUTHORITY.
2	A public corporation organized pursuant to the provisions of
3	this article.

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- "(6) COMMUNITY PUNISHMENT AND CORRECTIONS PROGRAM.

 Any program designed as an alternative to incarceration and maintained by a county commission or an authority or nonprofit entity for the purpose of punishing and for correcting a person convicted of a felony or misdemeanor or adjudicated a youthful offender and which may be imposed as part of a sanction, including, but not limited to confinement, work release, day reporting, home detention, restitution programs, community service, education and intervention programs, and substance abuse programs.
- "(7) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A document prepared by the county commission or an authority, or nonprofit entity, and submitted to the Department of Corrections in accordance with the requirements set forth in the application process and procedure, which identifies proposed community-based programs to be implemented within the county in accordance with the terms of this article and justifies the funding of such programs with regard to local need and community support.
- "(8) COUNTY COMMISSION CHAIRPERSON. The chair of the county commission or his or her representative.

1	"(9) COUNTY INMATE. A person convicted of a
2	misdemeanor.
3	"(10) COURT. The trial judge exercising sentencing
4	jurisdiction over an eligible offender under this article and
5	includes any successor of the trial judge.
6	"(11) DEPARTMENT. The Department of Corrections.
7	"(12) DIVISION. The Community Corrections Division
8	of the department.
9	"(13) ELIGIBLE. A person who has committed an
10	offense not excluded by subdivision (14) and who meets the
11	criteria of Section 15-18-175.
12	"(14) EXCLUDED FELONY OFFENDERS. One who is
13	convicted of any of the following felony offenses: Murder,
14	kidnapping in the first degree, rape in the first degree,
15	sodomy in the first degree, arson in the first degree,
16	trafficking in controlled substances, robbery in the first
17	degree, burglary in the first degree, manslaughter, sexual
18	abuse in the first degree, forcible sex crimes, lewd and
19	lascivious acts sex offenses upon involving a child as defined
20	in Section 15-20A-4, or assault in the first degree if the
21	assault leaves the victim permanently disfigured or disabled.
22	"(15) GOVERNING BODY. With respect to a county, its

county commission or other like governing body exercising the

legislative functions of a county.

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1	"(16) INCORPORATORS.	The persons	forming a	public
2	corporation pu	rsuant to this a	rticle.		

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- "(17) NONPROFIT ENTITY. Any not-for-profit organization, agency, or other entity other than a community punishment and corrections authority that provides treatment, guidance, training, or other rehabilitation services to individuals, families, or groups in such areas as health, education, vocational training, special education, social services, psychological counseling, and alcohol and drug treatment.
- "(18) PLAN. The community punishment and corrections plan defined in subdivision (7).
- "(19) RECIPIENT. Any entity receiving directly or indirectly any financial grant or contractual remuneration under this article.
- "(20) RENOVATION. The repair, remodeling, alteration, or expansion of existing buildings or structures to make them habitable or suitable for community punishment and corrections program operations, and includes the acquisition and installation of necessary equipment.
- "(21) RESTITUTION. Payment to the victim who has suffered financial losses as a result of a crime. Restitution shall include, but not be limited to, payment in cash or in kind for the value of stolen or damaged property; for medical expenses due to physical, emotional, or psychological trauma;

wages lost as a result of time absent from work; and value of property lost or transferred through theft or exercise of control by deception or fraud.

- "(22) STATE INMATE. A person convicted of a felony.
- "(23) USER FEES. Fees assessed against an offender under a community punishment and corrections program to help defray the costs of such programs.
- "(24) VICTIM SERVICE OFFICER. A person employed to directly assist crime victims and their families with court attendance, restitution, compensation, property return, victim impact statements, and other needs expressed.
- "(25) YOUTHFUL OFFENDER. A person adjudicated as a youthful offender.

"\$15-18-172.

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"(a) A county or group of counties may establish a community punishment and corrections program for state and county inmates or youthful offenders in custody of the county. The program shall be established by a county by resolution adopted by the county commission or by community punishment and corrections authorities or other nonprofit entities as provided herein. The program shall establish the maximum number of offenders who may participate in the program and participation shall be limited to space availability. No offenders may be sentenced or assigned to the program. No

county is obligated to fund any activities of a community corrections program established under this article without an affirmative vote of the affected county commission.

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- "(b) The department may contract with such counties, authorities, or other nonprofit entities as provided herein concerning start-up costs and the costs of maintenance, including medical expenses, of state inmates participating in any program authorized under this article or under any county program functioning pursuant to any state or local act.
- "(c) The department shall promulgate rules and regulations pursuant to the Alabama Administrative Procedure Act establishing conditions for state inmates' participation in the community punishment and corrections program, the observance of which may be a condition to such participation.
- "(d) A state inmate incarcerated in a state facility may be approved by the department for participation in a community punishment and corrections program established under this article and be assigned to a program in the county from which the inmate was sentenced if a community punishment and corrections program under this article has been established in that county and if the sentencing judge of the county authorizes the inmate to participate in the program. An inmate may be assigned to a community punishment and corrections program in another county if the presiding judge of the other county and the sentencing judge agree to the assignment and if

the county has agreed in the contract to accept inmates originally sentenced in other counties. In the event the sentencing judge is unavailable due to death, retirement, or any other reason, the presiding judge from the sentencing circuit shall act in the sentencing judge's stead. An inmate assigned to a community punishment and corrections program pursuant to this article shall not be eligible for parole consideration.

"(e) The department shall annually identify alternatives to community punishment and corrections programs for those counties which have not established a community punishment and corrections program under this article. The department shall publish a list of such alternatives on its website and shall provide a list of such alternatives to each district and circuit court annually. The department shall include a list of referral services available for veterans and servicemen, and, when available and appropriate, shall include any Veterans Treatment Court in operation in the appropriate county or circuit as an alternative.

"\$15-18-174.

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"In addition to those otherwise provided by law, the department shall have the following powers, duties, and authority:

1	"(1) Monitor the community punishment and
2	corrections program within the goals and mandates established
3	herein.

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- "(2) Conduct statewide public education programs concerning the purposes and goals as established herein and make an annual report to the Prison Oversight Committee of the Legislature and the Alabama Sentencing Commission regarding the effectiveness of diversion of offenders from state and local correctional institutions. This annual report should also include data showing the impact of diversion of offenders by race, gender, and location of the offender.
- "(3) Provide technical assistance to local governments, authorities and other nonprofit entities and agencies, and local community punishment and corrections advisory boards regarding development of a community punishment and corrections program.
- "(4) Develop minimum standards, policies, and administrative rules for the statewide implementation of this article.
- "(5) Develop and implement by rule an application process and procedure.
- "(6) Review community punishment and corrections plans and award contracts or grants.

1	"(7) Conduct an audit and annual program evaluation
2	of programs receiving contracts or grants to ensure program
3	accountability.
4	"(8) Require community punishment and corrections
5	plans and programs to incorporate uniform statewide
6	evidence-based practices as defined in Section 12-25-32,
7	subject to available resources, when supervising, treating, or
8	providing for the treatment of offenders.
9	"(9) Provide training for community punishment and
10	corrections programs and employees relating to offender
11	supervision and the utilization of evidence-based practices as
12	defined in Section 12-25-32 in the supervision and treatment
13	of offenders.
14	"(10) Require community punishment and corrections
15	programs to provide particular treatment and supervision based
16	on the offender's risk of reoffending through use of a
17	validated risk and needs assessment, as defined in Section
18	12-25-32, conducted by the program and, to the extent
19	practicable, to prioritize treatment and supervision
20	resources, as well as behavioral health assessment and
21	treatment referral services, on those offenders who have the
22	highest risk of reoffending as determined by a validated risk
23	and needs assessment. The department shall utilize services
24	available for veterans and servicemen and shall annually

collaborate with the Department of Veterans Affairs to confirm

behavioral and treatment services that are appropriate for referral.

3 "\$15-18-176.

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- "(a) A community punishment and corrections plan shall be developed and submitted to the department which sufficiently documents the local need and support for the proposed program. The community punishment and corrections plan shall have the approval of the county commission in the affected counties prior to submission to the department. Any plan shall specifically state the maximum number of inmates eligible to participate in the program.
- "(b) The format for any community punishment and corrections plan shall be specified by the division in its application process and procedures. Funding and grant evaluation criteria shall be outlined in the application process and procedures to be developed by the division in order that each applicant may know the basis upon which funds will be granted. The department shall adopt rules pursuant to the Administrative Procedure Act outlining the application process and procedures.
- "(c) The application process and procedures should include a performance-based reimbursement funding plan, developed by the department, for funding community punishment and corrections plans that utilize evidence-based practices as defined in Section 12-25-32 in the treatment and supervision

1	of community punishment and corrections program participants
2	and that meet specified treatment and supervision targets as
3	outlined in the application. The performance-based
4	reimbursement plan outlined in the application process and
5	procedures should also include higher reimbursement rates for
6	community punishment and corrections plans that include
7	behavioral health assessment and treatment referral, to
8	include behavioral and substance abuse treatment, for
9	<pre>community punishment and corrections program participants, as</pre>
10	well as for local probationers and parolees under the
11	supervision of the Board of Pardons and Paroles. The
12	Department of Corrections, along with the Board of Pardons and
13	Paroles, the Department of Veterans Affairs, the Department of
14	Public Health, and the Department of Mental Health, shall
15	collaborate with the Office of the Governor to implement the
16	provisions of this subsection relating to behavioral health
17	treatment and substance abuse treatment services. The Office
18	of the Governor shall ensure that treatment services that
19	receive funding from the state or through court-ordered monies
20	utilize such funding and monies for programs reasonably
21	expected to reduce recidivism among community corrections
22	offenders.
23	"(d) The application process and procedures should
24	include a requirement that each community punishment and

corrections plan establish guidelines to ensure that the

1	supervision and treatment of offenders participating in a
2	community punishment and corrections program is, to the extent
3	practicable, individualized based on the offender's risk of
4	reoffending, as determined through a validated risk and needs
5	assessment as defined in Section 12-25-32, administered by the
6	community punishment and corrections program, and that
7	treatment and supervision resources, as well as behavioral
8	health assessment and treatment referral services, are, within
9	the resources available, prioritized based on those offenders
10	who have the highest risk of reoffending. The plan shall
11	include a list of services available for veterans and,
12	servicemen, and, when appropriate, shall include any Veterans
13	Treatment Court in operation in the appropriate county or
14	circuit as a possible alternative for mentoring and
15	supervision.
16	" (c) <u>(e)</u> Participation in the programs set forth in
17	this article is voluntary. Any participating authority, county
18	commission, or other nonprofit entity may notify the director
19	of the division of its intention to withdraw from

23 "\$15-18-180.

last day of the grant year.

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"(a) Community punishment and corrections funds may be used to develop or expand the range of community

program contract. The withdrawal will become effective on the

participation in the community punishment and corrections

1	punishments and services at the local level. <u>Community-based</u>
2	programs should utilize evidence-based practices, as defined
3	in Section 12-25-32, in the treatment and supervision of
4	program participants. The supervision and treatment of each
5	program participant is expected to be based on the
6	participant's anticipated risk of reoffending, as determined
7	through a validated risk and needs assessment as defined in
8	Section 12-25-32, administered by the program. Supervision and
9	treatment of program participants should include the
10	<pre>following:</pre>
11	"(1) Use of a validated risk and needs assessment;
12	"(2) Use of assessment results to provide quidance
13	for determining the appropriate level of supervision responses
14	consistent with the levels of supervision and evidence-based
15	practices reasonably anticipated to reduce recidivism; and
16	"(3) Use of practical and suitable methods that are
17	consistent with evidence-based practices to aid and encourage
18	the offender to improve his or her conduct and circumstances
19	so as to reduce the offender's risk of recidivism.
20	"(b) Community-based programs options may include,
21	but are not limited to, the following:
22	"(1) Community service supervision; victim
23	restitution, community detention and restitution centers; day
24	reporting centers; victim-offender reconciliation programs;
25	home confinement/curfew; electronic surveillance; intensive

supervision probation; alcohol/drug outpatient treatment and psychiatric counseling.

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- "(2) Short-term community residential treatment options that involve close supervision in a residential setting may include, but are not limited to, the following options: Detoxification centers; community detention centers for special needs offenders and probation and parole violators; and inpatient drug/alcohol treatment.
- "(3) Residential in-house drug and alcohol treatment for detoxification and residential and nonresidential drug and alcohol counseling.
- "(4) Individualized services which provide evaluation and treatment for special needs of the population served under this article. The services may include the purchase of psychological, medical, educational, vocational, drug and alcohol urine screening, and client specific plan diagnostic evaluations. Other services which may be pursued on an individualized basis may include, but shall not be limited to, job training, alcohol and drug counseling, individual and family counseling, educational programs leading to a GED certificate, or transportation subsidies.
- "(5) Churches or other nonprofit facilities that
 provide religious-based counseling, education, or other
 rehabilitative services. Any such facility that receives
 funding from the state shall be subject to all requirements

and	provision	ns of	this	artic	cle.	Any	such	fac	cilit	ty th	at d	<u>does</u>
not	receive f	Eundir	ng fro	om the	e st	ate	shall	be	exen	npt f	rom	the
requ	uirements	and p	orovis	sions	of	this	arti	cle,	as	well	as	from
the	requireme	ents o	of Cha	apter	22	of T	itle	41.				

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"(b) (c) Community punishment and corrections funds may also be used to acquire, renovate, and operate community facilities established to provide the options and services set forth in subsection subsections (a) and (b).

"(c) (d) Counties, authorities, and other nonprofit entities receiving funding herein may provide or contract with qualified proprietary, nonprofit, or governmental entities for the provision of services under this article.

"(d) (e) Any options or services established under this article may serve offenders from any county in the judicial circuit which has established a program.

"(e) (f) As a part of a community punishment and corrections plan, user fees may be assessed to help defray the cost of the plan. User fees paid by an offender participating in any option or service established under this article shall not diminish the payment of restitution by the offender to the victim of the crime for which he or she was sentenced and shall not diminish fines, court costs, or other court fees unless expressly reduced or remitted by the court.

"(f) (q) In the event a defendant is assigned to a
work release or other residential punishment program operated

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by a community corrections provider authorized under this article, the defendant's employer shall send the inmate's wages directly to the community corrections provider responsible for housing the defendant. Of the inmate's earnings, 25 percent of the gross wages shall be applied to costs incident to the inmate's confinement, upkeep, and a minimum of an additional 20 percent shall be applied, 10 percent to payment of court costs, fines, court-ordered attorney fees, and other court-ordered fees or assessments, and 10 percent to restitution. The remainder of the inmate's wages may be credited to an account established for the defendant with the community corrections provider and may be paid out for dependent care, savings, and spending money. Modes of accounting and disbursement of these funds shall be addressed in the community punishment and corrections plan. Upon release from a residential program, any balance remaining in the defendant's account shall be returned to the defendant, and the defendant shall remain responsible for paying for any court-ordered monies owed. If the defendant remains under community corrections supervision after his or her release from a residential program, the community corrections provider shall verify that the defendant is paying any remaining court-ordered payments owed.

"\$15-18-182.

"(a) In order to remain eligible for continued grant
funding, a recipient must substantially comply with $\underline{\text{the}}$
requirements of this article and the standards and
administrative regulations of the department promulgated
pursuant to the Administrative Procedure Act defining program
effectiveness. Each recipient will participate in $\frac{an}{a}$
<pre>substantive evaluation to determine local and state program</pre>
effectiveness. The form of this evaluation will be determined
by the director of the division in collaboration with the
Office of the Governor. The standards, regulations, and
evaluations of the department are public records and shall be
made available for inspection and copying upon request.

- "(b) Continued grant funding shall be based on demonstrated effectiveness in <u>either</u> reducing the number of commitments of eligible offenders to state penal institutions or local jails which would likely have occurred without the programs funded under this article <u>or maintaining and operating the program in accordance with evidence-based</u> practices as defined in Section 12-25-32.
- "(c) Subject to funding availability, each county, participating authority, or other nonprofit entity is eligible to receive additional incentive funding for extending programs if such programs exceed the objectives of this article and the approved community punishment and corrections plan based upon

criteria developed by the division and promulgated under its rules pursuant to the Administrative Procedure Act.

"(d) If the director of the division determines that there are reasonable grounds to believe that a participating county, authority, or other nonprofit entity is not complying with its plan, or the minimum standards, the director shall give 30 days' written notice to the participating entity, as well as to the county commission in the affected county. If the director finds that such a participating entity is not complying with its plan or the minimum standards established in this article, the director shall require the entity to provide a letter of intent as to how and when specific deficiencies identified by the director will be corrected. If no letter is submitted to the director within the time limit specified, or if the deficiencies are not corrected within 45 days after a letter has been submitted to the entity, the director, with the approval of the commissioner and the Office of the Governor, may suspend any part or all of the funding until compliance is achieved.

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"(a) The Board of Pardons and Paroles, hereinafter referred to as "the board," shall be charged with the duty of determining, through use of a validated risk and needs assessment as defined in Section 12-25-32, what prisoners serving sentences in the jails and prisons of the State of

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Alabama may be released on parole and when and under what conditions. Such board shall also be charged with the duty of supervising all prisoners released on parole from the jails or prisons of the state and of lending its assistance to the courts in the supervision of all prisoners placed on probation by courts exercising criminal jurisdiction and making such investigations as may be necessary in connection therewith, of implementing the use of validated risk and needs assessments as defined in Section 12-25-32 by probation and parole officers, of determining whether violation of parole or probation conditions exist in specific cases, deciding, in the case of parolees, what action should be taken with reference thereto, causing, in the case of probationers, reports of such investigations to be made to the judges of the courts having jurisdiction of the probationers and of aiding parolees and probationers to secure employment. It shall also be the duty of the board to personally study the prisoners confined in the jails and prisons of the state so as to determine their ultimate fitness to be paroled.

"(b) Between October 1 and December 31 of each year, the board shall make a full report of its activities and functions during the preceding year, and such report shall be prepared in quadruplicate, with one copy thereof lodged with the Governor, one filed in the office of the Secretary of State, one filed in the office of the Department of Archives

and History, and one copy retained in the permanent records of the board.

2.1

- "(c) The board may accept grants, devices, bequeaths [bequests] or gifts and make expenditures therefrom for the operations of the board and not individually as board members.
- "(d) The board shall have the power and authority to enter contracts to accomplish the objectives of the board.
- "(e) The board may shall adopt policy and procedural guidelines for establishing parole consideration eligibility dockets based on its evaluation of a prisoner's prior record, nature and severity of the present offense, potential for future violence, and community attitude toward the offender to include input from the victim or victims, the family of the victim or victims, prosecutors, and law enforcement entities or other criteria established by the board pursuant to Section 15-22-37.
- "(f) Any person who, at the time of his retirement, is employed by the Board of Pardons and Paroles as a probation and parole officer, shall receive as part of his retirement benefits, without cost to him, his badge, and pistol.
- "(g) The board is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the board to expend state moneys not to exceed \$250.00 per year for awarding recognition incentive awards for outstanding employees.

"(h) No state official shall appear or otherwise represent an applicant before the board for any consideration or thing of value unless said official was counsel of record for the applicant during a trial or hearing in the regular judicial process that led to said applicant's present status; however, no state official shall be prohibited from appearing without consideration before the board or board panel on behalf of an applicant.

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- "(i) The board shall have the power, authority, and jurisdiction to conditionally transfer a prisoner to the authorities of the federal government or any other jurisdiction entitled to his custody to answer pending charges or begin serving a sentence in response to a properly filed detainer from the other jurisdiction. Such conditionally transferred prisoner shall remain in the legal custody of the warden of the institution from which he was transferred. Should any such conditionally transferred prisoner satisfy all detainers against him prior to completion of his Alabama sentence, said prisoner shall not be released from custody without further order of the Board of Pardons and Paroles.
- "(j) The board and its agents shall have the power and authority to administer oaths and affirmation, examine witnesses and receive evidence on all matters to be considered by the board.

2.1

"(k) The board shall develop and adopt quidelines
and policies to ensure that any treatment programs or
providers utilized by the board in the supervision of
probationers and parolees implement evidence-based practices,
as defined in Section 12-25-32, designed to reduce recidivism
among such probationers and parolees and shall cooperate with
the Office of the Governor in evaluating such programs and
providers. The Office of the Governor shall ensure that
treatment programs and providers that receive funding from the
state or through court-ordered monies utilize such funding and
monies for programs reasonably expected to reduce recidivism
among probationers and parolees.

"(1) The board shall develop and adopt quidelines and policies to ensure that the supervision and treatment of probationers and parolees shall be based on the individual probationer's or parolee's risk of reoffending, as determined through a validated risk and needs assessment as defined in Section 12-25-32, and that supervision and treatment resources of the board are prioritized to focus on those probationers and parolees with the highest risk of reoffending. The board shall include resources available to veterans and servicemen and shall annually coordinate with the Department of Veterans Affairs to ensure the most current benefits and services are identified and available. The board shall maximize case supervision practices such that no probation and parole

1	officer is assigned more than 20 active high-risk cases at any
2	one time. Supervision and treatment of probationers and
3	parolees shall include the following:
4	"(1) Use of a validated risk and needs assessment;
5	"(2) Use of assessment results to quide the
6	appropriate level of supervision responses consistent with the
7	level of supervision and evidence-based practices used to
8	<pre>reduce recidivism;</pre>
9	"(3) Collateral and personal contacts with the
10	probationer or parolee and community that may be unscheduled
11	and that shall occur as often as needed based on the
12	probationer's or parolee's supervision level, which, in turn,
13	should be based on risk of reoffense as determined through a
14	validated risk and needs assessment. Such contacts shall serve
15	the purpose of keeping supervising officers informed of the
16	probationer's or parolee's conduct, compliance with
17	conditions, and progress in community-based intervention;
18	"(4) Case planning for each probationer or parolee
19	based on risk of reoffense and needs identified and
20	prioritized based on associated risk; and
21	"(5) Use of practical and suitable methods that are
22	consistent with evidence-based practices to aid and encourage
23	the probationer or parolee to improve his or her conduct and
24	circumstances so as to reduce his or her level of risk.

1	"(m) The board shall require all probation and
2	parole officers employed on the effective date of this act to
3	complete the training requirements set forth in this
4	subsection on or before January 1, 2017. All probation and
5	parole officers hired after the effective date of this act
6	shall complete the training requirements set forth in this
7	subsection within two years of their hire date. The training
8	and professional development services shall include:
9	"(1) Assessment techniques;
10	"(2) Case planning;
11	"(3) Risk reduction strategies;
12	"(4) Effective communication skills;
13	"(5) Behavioral health needs;
14	"(6) Application of core correctional practices,
15	including motivational interviewing, basic principles of
16	cognitive therapy, structured skill building, problem solving,
17	reinforcement and use of authority;
18	"(7) Training for supervising officers to become
19	training capacity in the state; and
20	"(8) Other topics identified by the board as
21	evidence-based practices as defined in Section 12-25-32.
22	"(n) The board shall not have the power, authority,
23	or jurisdiction to regulate or exercise authority over, or
24	related to, the operation, management, regulations, policies,
25	or procedures of any local confinement facility, including,

1	but not limited to, county jails, community corrections
2	programs, or drug courts.
3	"§15-22-26.
4	"(a) No prisoner shall be released on parole merely
5	as a reward for good conduct or efficient performance of
6	duties assigned in prison, but only if the Board of Pardons
7	and Paroles is of the opinion that there is reasonable
8	probability that, if such prisoner is released, he will live
9	and remain at liberty without violating the law and that his
10	release is not incompatible with the welfare of society. the
11	prisoner meets criteria and guidelines established by the
12	board to determine a prisoner's fitness for parole. The
13	quidelines shall serve as an aid in the parole decision
14	process and shall promote the use of prison space for the most
15	violent and greatest risk offenders. The guidelines shall be
16	structured, actuarially based, reviewed every three years by
17	the board, after a specified open comment period determined by
18	the board, and posted on the website of the board and include,
19	but not be limited to, the following:
20	"(1) The prisoner's risk to reoffend, based upon a
21	validated risk and needs assessment as defined in Section
22	<u>12-25-32;</u>
23	"(2) Progress by the prisoner and the Department of

Corrections to plan for reentry;

1	"(3) Input from the victim or victims, the family of
2	the victim or victims, prosecutors, and law enforcement
3	entities;
4	"(4) Participation in risk-reduction programs while
5	<pre>incarcerated;</pre>
6	"(5) Institutional behavior of the prisoner while
7	incarcerated; and
8	"(6) Severity of the underlying offense for which
9	the prisoner was sentenced to incarceration.
10	"(b) If the board shall so determine, such prisoner
11	shall be allowed to go upon parole outside of prison walls and
12	enclosure upon such terms and conditions as the board shall
13	prescribe, but to remain while thus on parole in the legal
14	custody of the warden of the prison from which he is paroled
15	until the expiration of the maximum term specified in his
16	sentence or until he is fully pardoned.
17	"(c) The board shall clearly articulate its reasons
18	for approval or denial of parole for each prisoner, based on
19	its established quidelines, and shall provide the reasons for
20	approval or denial to the prisoner, the victim, the Department
21	of Corrections, or any other interested party upon written
22	request submitted to the board. The use of established
23	guidelines for parole consideration shall not create a right
24	or expectation by a prisoner to parole release. Additionally,
25	the articulated reasons for denial of parole release shall not

L	create a right or expectation for parole release. The
2	quidelines shall serve as an aid in the parole decision making
3	process, and the decision concerning parole release shall be
1	at the complete discretion of the board

"§15-22-28.

2.1

- "(a) It shall be the duty of the Board of Pardons and Paroles, upon its own initiative, to make an investigation of any and all prisoners confined in the jails and prisons of the state, through use of a validated risk and needs assessment as defined in Section 12-25-32, with a view of determining the feasibility of releasing the prisoners on parole and effecting their reclamation. Reinvestigations shall be made from time to time as the board may determine or as the Board Department of Corrections may request. The investigations shall include such reports and other information as the board may require from the Board Department of Corrections or any of its officers, agents or employees.
- "(b) It shall be the duty of the Board Department of Corrections to cooperate with the Board of Pardons and Paroles for the purpose of carrying out the provisions of this article.
- "(c) Temporary leave from prison, including

 Christmas furloughs, may be granted only by the Commissioner

 of Corrections to a prisoner for good and sufficient reason

 and may be granted within or without the state; provided, that

Christmas furloughs shall not be granted to any prisoner convicted of drug peddling, child molesting or rape, or to any maximum security prisoner. A permanent, written record of all such temporary leaves, together with the reasons therefor, shall be kept by such commissioner. He shall furnish the Pardon and Parole Board with a record of each such leave granted and the reasons therefor, and the same shall be placed by the board in the prisoner's file.

- "(d) No prisoner shall be released on parole except by a majority vote of the board , nor unless the board is satisfied that he will be suitably employed in self-sustaining employment or that he will not become a public charge if so released. The board shall not parole any prisoner for employment by any official of the State of Alabama, nor shall any parolee be employed by an official of the State of Alabama and be allowed to remain on parole; provided, however, that this provision shall not apply in the case of a parolee whose employer, at the time of the parolee's original employment, was not a state official.
- "(e) The For violent offenses as defined in Section 12-25-32, the board shall not grant a parole to any prisoner who has not served at least one third or 10 years of his sentence, whichever is the lesser, except by a unanimous affirmative vote of the board.
- 25 "\$15-22-29**.**

1	"(a) The Board of Pardons and Paroles, in releasing
2	a prisoner on parole, shall specify in writing the conditions
3	of his parole, and a copy of such conditions shall be given to
4	the parolee. A violation of such conditions may render the
5	prisoner liable to arrest and reimprisonment.
6	"(b) The Board of Pardons and Paroles shall adopt
7	general rules with regard to conditions of parole and their
8	violation and may make special rules to govern particular
9	cases. Such rules, both general and special, may shall
10	include, among other things, a requirement that:
11	"(1) The parolee shall not leave the state without
12	the consent of the board;
13	"(2) He or she shall contribute to the support of
14	his or her dependents to the best of his or her ability;
15	"(3) He or she shall make reparation or restitution
16	for his <u>or her</u> crime;
17	"(4) He or she shall abandon evil associates and
18	ways; and
19	"(5) He or she shall carry out the instructions of
20	his <u>or her</u> parole officer and in general so comport himself <u>or</u>
21	<pre>herself as such officer shall determine; and</pre>
22	"(6) He or she shall submit to behavioral treatment,
23	substance abuse treatment, GPS monitoring, other treatment as

deemed necessary by the board or the supervising parole

officer, and/or a period or periods of confinement in a

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consenting jail facility. Periods of confinement imposed by
the supervising parole officer shall not exceed six days per
month during any three separate months during the period of
parole. The six days per month confinement provided for in
this subdivision shall only be imposed by the supervising
parole officer as two-day or three-day consecutive periods at
any single time. In no event shall the total periods of
confinement imposed by the supervising parole officer provided
for in this subdivision exceed 18 total days in a consenting
jail facility. Confinement provided herein shall be subject to
the limitations, provisions, and conditions provided in
Section 15-22-32, and the Board's authority to directly impose
sanctions, periods of confinement, or revoke parole shall not
otherwise be limited.

"\$15-22-31.

2.1

"(a) If the parole officer having charge of a paroled prisoner or any member of the Board of Pardons and Paroles shall have reasonable cause to believe that such prisoner has lapsed, or is probably about to lapse, into criminal ways or company or has violated the conditions of his parole in an important respect, such officer or board member shall may report such fact to the Department of Corrections, which shall thereupon issue a warrant for the retaking of such prisoner and his return to the prison designated.

"(b) Any parole officer, police officer, sheriff or
other officer with power of arrest, upon the request of the
parole officer, may arrest a parolee without a warrant; but,
in case of an arrest without a warrant, the arresting officer
shall have a written statement by said parole officer setting
forth that the parolee has, in his judgment, violated the
conditions of parole, in which case such statement shall be
sufficient warrant for the detention of said parolee in the
county jail or other appropriate place of detention until the
warrant issued by the Department of Corrections has been
received at the place of his detention; provided, however,
that in no case shall a parolee be held longer than 20 days on
the order of the parole officer awaiting the arrival of the
warrant as provided for in this section. If a warrant is not
issued within the period prescribed herein, the parolee shall
be released from custody. If the parolee is presented to the
county jail with a serious medical condition, the admittance
of the parolee would create a security risk to the county
jail, or if the jail is near, at, or over capacity, the
sheriff may refuse to admit the parolee. If while in custody
of the county jail the parolee develops a serious medical
condition, the presence of the parolee creates a security risk
to the county jail, or the county jail reaches near, at, or
over capacity, the sheriff may release the parolee upon
notification to the parole officer unless the Department of

Corrections has issued an arrest warrant directing the return of the parolee to the prison so designated. A sheriff and his or her staff shall be immune from liability for exercising discretion pursuant to Section 36-1-12 in refusing to admit a parolee into the jail or releasing a parolee from jail under the circumstances described above.

- "(c) Any parole officer, any officer authorized to serve criminal process or any peace officer to whom such warrant, issued by the Department of Corrections pursuant to subsection (a), shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning him to the prison designated by the Department of Corrections, there to be held to await the action of the Board of Pardons and Paroles.
- "(d) Such officer, other than an officer of the prison or parole officer, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken and as for transporting a convict from the place of arrest to the prison, in case such officer also transports the prisoner to the prison. Such fees shall be paid out of the funds standing to the credit of the Department of Corrections.

23 "\$15-22-32.

2.1

"(a) Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his or her

parole, the Board of Pardons and Paroles, at its next meeting,
shall may declare the prisoner to be delinquent, and time owed
shall date from the delinquency. The warden of each prison
Department of Corrections, after receiving notice from the
sheriff of the county jail where the state prisoner is being
held, shall promptly notify the board of the return of a
paroled prisoner charged with violation of his or her parole.
Thereupon, the board, a single member of the board, a parole
revocation hearing officer, or a designated parole officer
shall, as soon as practicable, hold a parole court at the
prison or at another place as it may determine within 20
business days and consider the case of the parole violator,
who shall be given an opportunity to appear personally or by
counsel before the board or the parole court and produce
witnesses and explain the charges made against him or her. The
board member, parole revocation hearing officer, or a
designated parole officer, acting as a parole court, shall,
within a reasonable time, conduct the parole revocation
hearing to determine whether sufficient evidence supports
guilt or innocence of the violation charges and may recommend
to the board revocation or reinstatement of parole. Upon
revocation of parole, the board may require the prisoner to
serve out in prison the balance of the term for which he or
she was originally sentenced, calculated from the date of
delinguency or the part thereof as it may determine. The

delinquent parolee shall be deemed to have begun serving the
balance of the time required on the date of his or her
rearrest as a delinquent parolee. If a hearing is not held
within the specified 20 business days, the parolee shall be
released back to parole supervision.

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"(b) Upon finding sufficient evidence to support a parole violation, the parole court may recommend to the board revocation or reinstatement of parole, and the board may revoke or reinstate parole. Upon revocation of parole, the board may require the prisoner to serve in a state prison facility the balance of the term for which he or she was originally sentenced or any portion thereof, calculated from the date of delinquency. The delinquent parolee shall be deemed to begin serving the balance of the prison time required on the date of his or her rearrest as a delinquent parolee. However, in all cases, excluding violent offenses defined pursuant to Section 12-25-32 and classified as a Class A felony, and sex offenses, defined pursuant to Section 15-20A-5, the parole court may only recommend revocation and the board may only revoke parole as provided below:

"(1) Unless the underlying offense is a violent offense as defined in Section 12-25-32 and classified as a Class A felony, when a parolee under supervision of the Board of Pardons and Paroles has violated a condition of parole, other than being arrested or convicted of a new offense or

1	absconding, the parole court may recommend and the board may
2	impose a period of confinement of no more than 45 consecutive
3	days to be served in the custody population of the Department
4	of Corrections. Within 90 days of the effective date of this
5	act, the Department of Corrections shall develop and implement
6	a streamlined process to transport and receive the parolee
7	into its custody population and shall identify and, if
8	possible, implement policies aimed at reducing the
9	administrative delays, if any, in transferring to the
10	Department of Corrections the physical custody of the parolee
11	and those whose parole has been revoked. Such process shall be
12	developed in cooperation with the Alabama Sheriffs'
13	Association and the Association of County Commissions of
14	Alabama. Such process shall include the most cost-effective
15	method to process sanctioned parole violators for the maximum
16	45 day confinement period and shall provide that the
17	Department of Corrections shall reimburse the state mileage
18	rate, as determined by the Alabama Comptroller's Office, to
19	the county for any state inmate sanctioned as a parole
20	violator and transferred to or from a Department of
21	Corrections facility by the county. Upon completion of the
22	confinement period and release from confinement, the parolee
23	shall automatically continue on parole for the remaining term
24	of the sentence without further action from the board. The
25	parole court shall not recommend and the board shall not

1	revoke parole unless the parolee has previously received a
2	total of three periods of confinement under this subsection. A
3	parolee shall receive only three total periods of confinement
4	under this subsection. The maximum 45 day term of confinement
5	ordered under this subsection shall not be reduced by credit
6	for incarceration time already served in the case. Confinement
7	under this subsection shall be credited to the balance of the
8	incarceration term for which the parolee was originally
9	sentenced. In the event the time remaining on parole
10	supervision is 45 days or less, the term of confinement shall
11	be for the remainder of the parolee's sentence.
12	"(2) The total time spent in confinement under this
13	subsection shall not exceed the term of the parolee's original
14	sentence.
15	"(3) Confinement shall be immediate. The board shall
16	be responsible for ensuring that the Department of Corrections
17	receives necessary documentation for imposing a period of
18	confinement within five business days of the board's action.
19	"(4) If the parolee is presented to a county jail
20	for any period of confinement as contemplated herein above
21	with a serious medical condition, the admittance of the
22	parolee would create a security risk to the county jail, or if
23	the jail is near, at, or over capacity, the sheriff may refuse
24	to admit the parolee. If while in custody of the county jail

the parolee develops a serious medical condition, the presence

of the parolee creates a security risk to the county jail, or
the county jail reaches near, at, or over capacity, the
sheriff may release the parolee upon notification to the
parole officer. A sheriff and his or her staff shall be immune
from liability for exercising discretion pursuant to Section
36-1-12 in refusing to admit a parolee into the jail or
releasing a parolee from jail under the circumstances
described above.

"(b) (c) The position of Parole Revocation Hearing Officer is created and established, subject to provisions of the state Merit System.

"(c) (d) The board may appoint or employ, as the board deems necessary, three hearing officers who shall conduct a parole court with authority to determine guilt and recommend revocation of parole or reinstatement of parole to the board. Such hearing officers shall have authority to determine the sufficiency of evidence to support parole violation charges and recommend to the board revocation of parole pursuant to subsection (b) or reinstatement of parole. The first three appointments shall be provisional appointments made by the board pending job analysis and compilation of the examination for the state Merit System classification, or a licensed practicing attorney with a minimum of 3 years' experience practicing criminal law.

"(d) A hearing officer shall receive an annual salary to be determined by the board but not exceeding the maximum salary now or hereafter established for Probation Officer V. The salary and expenses of the hearing officers shall be paid from the State Treasury in the same manner that the salary and expenses of the state Merit System employees are paid.

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"(e) In lieu of the provisions of subsections (a) and (b), when a parolee violates his or her parole terms and conditions, his or her parole officer may require the parolee to submit to behavioral treatment, substance abuse treatment, GPS monitoring, such other treatment as determined by the board or supervising officer, or a period of confinement in a consenting jail facility as specified in subdivision (6) of subsection (b) of Section 15-22-29. The parole officer may exercise such authority after administrative review and approval by the officer's supervisor.

"(f) Prior to imposing a sanction provided under subsection (e) and pursuant to subdivision (6) of subsection (b) of Section 15-22-29, the parolee must first be presented with a violation report, putting forth the alleged parole violations and supporting evidence. The parolee may request a hearing before the parole court to be heard in person within 10 days. The parolee shall be given notice of the right to seek such parole court review and advised of the right (i) to

1	a hearing before a neutral and detached parole court on the
2	alleged violation or violations, with the right to present
3	relevant witnesses and documentary evidence; (ii) to retain
4	and have counsel at the hearing if he or she so desires; and
5	(iii) to confront and cross examine any adverse witnesses.
6	Upon the signing of a waiver of these rights by the parolee
7	and the supervising parole officer, with approval of a
8	supervisor, the parolee may be treated, monitored, or confined
9	for the period recommended in the violation report and
10	designated on the waiver. However, the parolee shall have no
11	right of review if he or she has signed a written waiver of
12	rights as provided in this subsection.
13	"(g) The board shall adopt guidelines and procedures

(g) The board shall adopt guidelines and procedures to implement the requirements of this section, which shall include the requirement of a supervisor's approval prior to exercise of the delegation of authority authorized by subsection (e).

"\$15-22-33.

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No person released on parole shall be discharged from parole prior to the expiration of the full maximum term for which he was sentenced unless he is sooner fully pardoned the Board of Pardons and Paroles chooses to discharge the parolee earlier based on review of the parolee under guidelines established pursuant to subdivision (6) of subsection (b) of Section 15-22-37 and the parolee was not

1 <u>convicted of a violent offense as defined in Section 12-25-32</u>.

The Board of Pardons and Paroles, however, may relieve a prisoner on parole from making further reports and may permit such prisoner to leave the state or county if satisfied that this is for the best interests of society.

"§15-22-36.

- "(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the Board of Pardons and Paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.
- "(b) Each member of the Board of Pardons and Paroles favoring a pardon, parole, remission of a fine or forfeiture, or restoration of civil and political rights shall enter in the file his or her reasons in detail, which entry and the order shall be public records, but all other portions of the file shall be privileged.
- "(c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon. No pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his or her sentence if his or her sentence was for less than three years. Notwithstanding the foregoing, a pardon based on innocence may be granted upon

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the unanimous affirmative vote of the board following receipt and filing of clear proof of his or her innocence of the crime for which he or she was convicted and the written approval of the judge who tried his or her case or district attorney or with the written approval of a circuit judge in the circuit where he or she was convicted if the judge who tried his or her case is dead or no longer serving.

"(d) The Board of Pardons and Paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture, or restore civil and political rights until 30 days' notice that the prisoner is being considered therefor has been given by the board to the Attorney General, the judge who presided over the case, the district attorney who tried the subject's case, the chief of police in the municipality in which the crime occurred, if the crime was committed in an incorporated area with a police department, and to the sheriff of the county where convicted, and to the same officials of the county where the crime occurred if different from the county of conviction; provided, however, that if they are dead or not serving, the notice shall be given to the district attorney, incumbent sheriff, and one of the judges of the circuit in which the subject was convicted. The board also shall be required to provide the same notice to the Crime Victims Compensation Commission.

1	"(e)(1) Until and unless at least 30 days' written
2	notice of the board's action to be considered has been given
3	by the board to the victim named in the indictment, the
4	victim's representative, or and any other interested
5	individual individuals, after the board has received a request
6	that includes the preferred mode or modes of notification from
7	the victim, the victim's representative, $\frac{\partial}{\partial r}$ and other
8	interested $\frac{1}{1}$ individuals and is submitted $\frac{30}{1}$ days
9	or more in advance of the board action to be considered either
10	through the automated victim notification system or by a
11	direct request to the board or other authorized individual,
12	the Board of Pardons and Paroles shall have no power or
13	authority to in any way approve or order any parole, pardon,
14	remission of fine or forfeiture, restoration of civil and
15	political rights, furlough, leave or early release of a person
16	convicted of the following offenses:
17	"a. A Class A felony.

"a. A Class A felony.

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"b. Any felony committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be designated a Class A felony.

"c. Any felony involving violence, death, or any physical injury to the person of another.

"d. Any felony involving unlawful sexual assault or other unlawful sexual conduct on the person of another.

SB67

1	"e.	Any	felony	involv	ving s	sexual	ass	ault,	or a	lewd
2	or lascivious	act	upon a	child	undei	r the	age	of 16	years	or
3	attempt there	of.								

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"f. Sexual abuse or any other criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as sexual abuse under the Alabama Criminal Code.

"g. Child abuse or any criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as child abuse under the Alabama Criminal Code.

"h. Sodomy or any criminal conduct committed prior to the first day of January, 1980, which if committed after the first day of January, 1980, would be defined as sodomy under the Alabama Criminal Code.

"i. Any violation of Section 13A-6-69, as amended.

"(2) If, however, the victim, victim's representative, or and other interested individual has not been registered for notice through the automated victim notification system or otherwise made a direct request to the board for notice or to another authorized individual, the victim's information has not been updated, or a particular mode modes of notification has have not been requested at least 30 45 days or more in advance of the board's action to be considered, the board shall not be limited in power or

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L	authority in any way to approve or order any parole, pardon,
2	remission of fine or forfeiture, restoration of civil and
3	political rights, furlough, leave, or early release of a
1	person convicted of the offenses named in subsection (e)(1)a.

5 to i., inclusive.

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- "(3) The notice shall be given by U.S. certified mail, return receipt requested, U.S. mail, electronic transmission, or by other commonly accepted method of delivery, upon a request made through the automated victim notification system or otherwise upon direct request made to the board or other authorized individual 30 45 days or more in advance of the board's action to be considered and shall include:
- 14 "a. The name of the prisoner or defendant involved.
- 15 "b. The crime for which the prisoner or defendant was convicted.
- "c. The date of the sentence.
- "d. The court in which the conviction occurred.
- "e. The sentence imposed.
- "f. The actual time the prisoner has been held in confinement and the prisoner's minimum release date, as computed by the Department of Corrections.
- "g. The action to be considered by the board.
- 24 "h. The date, time, and location of the board 25 meeting at which the action is to be considered.

"i. The right of the victim named in the indictment, a victim's representative, or if the victim is deceased as a result of the offense, the victim's immediate family, as defined by the board's operating rules, or, in the event there is no immediate family, a relative of a victim, if any, to present his or her views to the board in person or in writing.

"Notice for robbery victims who were robbed while on duty as an employee of a business establishment shall be sufficient if mailed to the last address provided by the victim or as otherwise noted on the indictment or in the board files.

"(4) If a victim, victim's representative, or and otherwise interested individual requests not to be notified, the request shall be made to the Board of Pardons and Paroles in writing or by electronic signature. Confirmation of a request to not be notified shall be provided to the victim so requesting. After a request is received, the board shall provide no further notifications, unless and until the victim, victim's representative, or and otherwise interested individual subsequently requests future notifications, at least 30 45 days in advance of the board's action to be considered through the automated victim notification system designated by the board or by contacting the board or other authorized individual in writing, in person, or by telephone.

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"(5) Should a victim, victim's representative, or and otherwise interested person wish to receive notice of any specific board hearing and action taken by the board, if any, in a specific case, the individual may register to request the notice through the automated victim notification system or otherwise request notice by making a direct request to the board or other authorized individual to receive notice at least 30 45 days in advance of the board's action to be considered. The individual shall be required to designate his or her preferred mode or modes of communication.

"(6) Prior to the sentencing of For any defendant convicted of the offenses named in subsection (e)(1)a. to i., inclusive, and only after the most recent victim information has been furnished to the Board of Pardons and Paroles pursuant to Section 12-17-184(9), in those cases, the probation and parole officer assigned to prepare a pre-sentence or post-sentence investigation report shall at that time register the most recent information for the victim named in the indictment into the automated victim notification system designated by the board. In case of a homicide, the information of immediate family members shall be entered into the automated victim notification system designated by the board. If a surviving victim is a minor, information for parents or guardians shall be entered into the automated victim notification system designated by the board. The

probation and parole officer assigned to prepare a

pre-sentence or post-sentence investigation report shall then

report to the sentencing court that all most current victim

information has been so registered. The sentencing court shall

then record into the case record that the victim information

has been entered into the automated victim notification

system.

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"(7) For those cases in which a defendant has been convicted and sentenced prior to the implementation task force determining that the automated victim notification system complies with the requirements of this section and Sections 15-22-23 and 15-22-36.2, for any homicide, and Class A felony, except Burglary I in which no victim was present, or any criminal sex offense, as defined by Section 15-20-21(4) 15-20A-5, the board shall exercise due diligence to locate the victim or victims and register the most recent victim information into the automated victim notification system designated by the board. If all attempts to locate a victim, or in case of a homicide to locate immediate family member or members, have failed and the agent of the board has certified that due diligence has been exercised, no future location attempts shall be required.

"(f) After any board action is taken granting any pardon or parole, the board shall promptly notify all persons who timely requested notice, pursuant to this section as to

the action taken by the board and the conditions, if any, of any such parole or pardon via electronic notification through the automated victim notification system or and posting publicly on a state agency website.

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"(g) Electronic notices as required by this section, Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section 15-22-36.3, and Section 9 shall be produced through the automated notification system developed and maintained by the Alabama Law Enforcement Agency. All data and records required to produce said notices shall be provided to the Alabama Law Enforcement Agency to be incorporated into the automated notification system. Board records and information accessible to the public through the automated notification system shall be limited to those notification items specified in subdivision (3) of subsection (e), as well as the offender's age, sex, race, and unique identifiers. Records concerning the status of supervised offenders on probation and parole shall also be made available to the public, including information on when supervision began, the date the supervision term will end, and information on whether or how supervision was terminated. Otherwise, access to board records and information through the automated notification system shall be limited in use to the legitimate law enforcement purpose of entering and updating contact information on behalf of crime victims, assisting victims with registration, and ensuring victims

receive notice. Information and records of the board accessible for law enforcement purposes through the automated notification system, in addition to that available to the public as specified above, shall be limited to the offender's date of birth, the supervising officer's name, the county of residence for those offenders currently supervised in Alabama, and the supervising officer's phone number. Misuse of the automated notification system or records or information contained in the automated notification system shall be subject to criminal prosecution under Article 5A of Chapter 8 of Title 13A, as well as Section 41-9-601, Section 41-9-602, and any other law of this state.

"\$15-22-36.2.

2.1

"(a) There is hereby created the <u>Victim Notification</u>
Implementation Task Force to guide and support the implementation of a statewide automated victim notification system in Alabama. The task force shall be composed of two four representatives of crime victims' rights organizations advocates designated by the Attorney General and at least one designee from each of the following: The Board of Pardons and Paroles, the Department of Corrections, the Alabama Criminal Justice Information Center the Alabama Law Enforcement Agency, the Alabama Crime Victims Compensation Commission, the District Attorneys Association or a district attorney representative, the Attorney General, the Administrative

1	Office of Courts, the Alabama Circuit Judges' Association, the
2	Office of Prosecution Services, the Alabama Circuit Clerk's
3	Association, and any other entity or organization as deemed
4	appropriate by a majority vote of the current representatives
5	composing the task force. The task force shall elect a chair
6	to function as the administrative head. The task force shall
7	meet initially by March 1, 2012, at the call of the Attorney
8	General. The task force shall meet not less than quarterly
9	after January 1, 2012, until December 31, 2015, and otherwise
10	at the call of the chair or a majority vote of the current
11	task force representatives. Pursuant to this section and
12	Sections Section 14-14-5, Section 15-22-23, and Section
13	15-22-36, Section 15-22-36.3, and Section 9, the task force
14	shall be responsible for overseeing the development of the
15	automated victim notification system by the Alabama Law
16	Enforcement Agency and integration of a process to
17	automatically update victim information into the automated
18	victim notification system on a continual basis. The task
19	force shall also oversee a statewide public education and
20	awareness campaign for the implementation of the automated
21	victim notification system and shall be charged with
22	confirming, by majority vote, that the automated victim
23	notification system complies with the requirements of this
24	section and Sections <u>Section 14-14-5, Section</u> 15-22-23, and
25	Section 15-22-36, Section 15-22-36.3, and Section 9. Approval

from the task force shall not be required for the validity of any action taken by any entity represented on the task force in the exercise of any of the power or authority granted to it by the Legislature. The task force shall be dissolved effective December 31, 2015.

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"(b) Immediately upon approval from the task force by majority vote that the automated notification system complies with the requirements of this section and Section 14-14-5, Section 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section 9, the task force shall automatically convert to the Victim Notification Oversight Council for the purpose of continuing to provide direction to the Alabama Law Enforcement Agency on development, support, expansion, and maintenance of the automated notification system. The council shall consist of those task force representatives serving on the task force, including appointees, at the time of conversion. Upon conversion, representatives from partner agencies may be added by majority vote of the council. The appointees designated by the Attorney General shall serve four year terms to ensure that a variety of victim advocates are included in the oversight of the system. The Attorney General shall designate a replacement as required at the expiration of the term of a victim advocate. No victim advocate may be appointed for more than two consecutive terms.

1	" (b) <u>(c)</u> The Board of Pardons and Paroles shall have
2	authority to carry out the enforcement of this section and
3	Sections 15-22-23 and 15-22-36, and the Department of
4	Corrections shall have authority to carry out the enforcement
5	of Section 14-14-5, Section 15-22-36.3, and Section 9.
6	"(d) The Alabama Law Enforcement Agency shall be
7	required to develop, support, house, and maintain the
8	automated notification system referenced in this section and
9	Section 14-14-5, Section 15-22-23, Section 15-22-36, Section
10	15-22-36.3, and Section 9 for the use of the Board of Pardons
11	and Paroles and the Department of Corrections to make
12	automated notices as required. The system shall additionally
13	be used to make notices of an offender's change in status or
14	custody, or notices regarding criminal justice proceedings
15	deemed to be in the best interest of Alabama crime victims and
16	public safety, by a majority vote of the task force or, after
17	its conversion, the Victim Notification Oversight Council. The
18	automatic notification system created by the Alabama Law
19	Enforcement Agency shall be the automated notification system
20	used by the state in making notifications to the Alabama crime
21	victims.
22	"(e) There is hereby created a Victim Notification
23	System Fund in the State Treasury. The fund shall consist of
24	all monies appropriated for the development, expansion,

support, and maintenance of the automated victim notification

1	system by the Alabama Law Enforcement Agency. Any monies in
2	the fund may be expended solely for the use of the victim
3	notification system. The Secretary of the Alabama Law
4	Enforcement Agency may expend monies in the Victim
5	Notification System Fund solely at the request and direction
6	of the Victim Notification Implementation Task Force or, after
7	its conversion, the Victim Notification Oversight Council,
8	created by this section.

"\$15-22-37.

2.1

"(a) The Board of Pardons and Paroles may adopt and promulgate rules and regulations, not inconsistent with the provisions of this article, touching upon all matters dealt with in this article, including, among others, practice and procedure in matters pertaining to paroles, pardons and remission of fines and forfeitures; provided, however, that no rule or regulation adopted and promulgated by such board shall have the effect of denying to any person whose application for parole or the revocation of whose parole is being considered by said board from having the benefit of counsel or witnesses upon said hearing.

- "(b) The Board of Pardons and Paroles shall adopt and promulgate rules and regulations to:
- "(1) Establish a program of limited supervision for parolees who qualify addressing eligibility using validated risk and needs assessments, as defined in Section 12-25-32,

1	transfers among levels of supervision, to include guidelines
2	for the transfer of lower-risk individuals to an
3	administrative form of parole, and reporting requirements;
4	"(2) Develop policies and procedures for screening,
5	assessment, and referral for parolees to connect with
6	recidivism reduction services including, but not limited to,
7	cognitive behavioral intervention and substance abuse
8	<pre>treatment;</pre>
9	"(3) Establish a matrix of rewards for compliance
10	and pro-social behaviors and swift, certain and graduated
11	sanctions to be imposed by the board, as provided under
12	subsections (e) and (f) of Section 15-22-32, in response to
13	corresponding violations of parole terms or conditions
14	<pre>imposed;</pre>
15	"(4) Establish clear quidelines and procedures that
16	retain the board's discretion in individual parole release
17	cases. Such quidelines shall provide that, if a prisoner
18	convicted of a nonviolent offense, as defined in Section
19	12-25-32, with a sentence of 20 years or less is denied
20	parole, the board shall reconsider releasing the prisoner on
21	parole no more than two years after such parole release
22	denial. Such quidelines shall allow a current validated risk
23	and needs assessment as defined in Section 12-25-32, past
24	criminal history, program completion, institutional
25	misconduct, and other individual characteristics related to

1	the	likeliho	od of of:	fending	in the	future	to be	factored	into
2	the	release	decision	while	working	to allo	ocate p	orison sp	<u>ace</u>
3	<u>for</u>	the most	violent	and gr	eatest 1	risk pr	isoners	S <u>;</u>	

"(5) Ensure that the provisions of subsections (k) and (l) of Section 15-22-24 are implemented relating to the supervision and treatment of parolees; and

"(6) Establish criteria, quidelines, and procedures
to discharge parolees from parole supervision requirements
prior to the expiration of the full maximum term for which the
parolee was sentenced, unless the parolee was convicted of a
violent offense as defined in Section 12-25-32, which shall
include review of a parolee for discharge from parole
supervision at least every two years if the parolee has
satisfied all financial obligations owed to the court,
including restitution, and has not had his or her supervision
revoked.

"\$15-22-50.

2.1

"Circuit courts and district courts, subject to the provisions and conditions hereinafter provided, may suspend execution of sentence and place on probation any person convicted of a crime in any court exercising criminal jurisdiction. The defendant shall not be permitted to waive placement on probation by the sentencing court. The court shall have no power to suspend the execution of sentence imposed upon any person who has been found guilty and whose

punishment is fixed at death or imprisonment in the penitentiary for more than 15 years. Except as provided in the preceding sentence, the court, after a plea of guilty, after the returning of a verdict of guilty by the jury or after the entry of a judgment of guilty by the court, may suspend execution of sentence and place the defendant on probation, or may impose a fine within the limits fixed by law and also place the defendant on probation.

"\$15-22-51.

"(a) When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of a defendant through use of a validated risk and needs assessment, as defined in Section 12-25-32. No defendant, unless the court shall otherwise direct, shall be placed on probation or released under suspension of sentence until the report of such investigation shall have been presented to and considered by the court; provided, however, that after conviction the court may continue the case for such time as may be reasonably necessary to enable the probation officer to make his investigation and report.

"(b) Whenever practicable, such investigation shall include physical and mental examinations of the defendant; and, if such defendant is committed to an institution, a copy

1	of the report of such investigation shall be sent to the Board
2	<u>Department</u> of Corrections at the time of commitment; provided,
3	that in all cases where the defendant was on bond prior to the
4	time of the trial and an application for probation is made to
5	the court, then the judge of such court, in his discretion,
6	may suspend the execution of the sentence pending the
7	disposition of the application for probation and continue the
8	defendant under the same bond that he was under or, in his
9	discretion, may raise the bond or lower the same pending the
10	disposition of the application for probation, and such bond
11	shall remain in full force and effect until the application
12	for probation is finally disposed of.

13 "\$15-22-52.

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"The court shall determine and may at any time modify the conditions of probation and may shall include among them the following or any other conditions. Such conditions may shall provide that the probationer shall:

- "(1) Avoid injurious or vicious habits;
- "(2) Avoid persons or places of disreputable or 19 harmful character; 20
 - "(3) Report to the probation officer as directed;
- "(4) Permit the probation officer to visit him or22 23 her at his or her home or elsewhere;
- 24 "(5) Work faithfully at suitable employments as far 25 as possible;

1	"(6) Remain within a specified place;
2	"(7) Pay the fine imposed or costs or such portions
3	thereof as the court may determine and in such installments as
4	the court may direct;
5	"(8) Make reparation or restitution to the aggrieved
6	party for the damage or loss caused by his or her offense in
7	an amount to be determined by the court; and
8	"(9) Support his <u>or her</u> dependents to the best of
9	his <u>or her</u> ability . ; and
10	"(10) Submit to behavioral treatment, substance
11	abuse treatment, GPS monitoring, other treatment as deemed
12	necessary by the court or supervising probation officer,
13	and/or a period or periods of confinement in a consenting jail
14	facility. Periods of confinement imposed by the supervising
15	probation officer shall not exceed six days per month during
16	any three separate months during the period of probation. The
17	six days per month confinement provided for in this subsection
18	shall only be imposed by the supervising probation officer as
19	two-day or three-day consecutive periods at any single time.
20	In no event shall the total periods of confinement imposed by
21	the supervising probation officer provided for in this
22	subsection exceed 18 total days in a consenting jail facility.
23	Confinement provided herein shall be subject to the
24	limitations, provisions, and conditions provided in Section
25	15-22-54, and the court's authority to directly impose

sanctions, periods of confinement, or revoke probation shall not otherwise be limited.

"\$15-22-53.

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"(a) A probation officer shall investigate all cases referred to him for investigation by any court or by the Board of Pardons and Paroles and shall report in writing thereon. He shall furnish to each person persons released on probation under his supervision a written statement of the conditions of probation and shall instruct him them regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring reports and in other ways, based on the offender's measured risk of offending, and he shall report thereon in writing as often as the court or the board may require. Such officer shall use all practicable and suitable methods evidence-based practices as defined in Section 12-25-32, not inconsistent with the provisions imposed by the court, to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work and shall make such reports in writing to the court and the board as they may require. A probation officer shall have, in the execution of his duties, the powers of arrest and the same right to execute process as is now given or may hereafter be given by law to the sheriffs of this state. Supervision and treatment of

1	probat	ione	rs	shall	be	conducted	pur	suar	nt to	and	l co	<u>onsister</u>	ıt
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7	1:)-/./	-24 d	TICI .	$\mathcal{S} \in \mathbb{C} \cup \mathbb{C}$) II (J-ZZ-J/.							

- "(b) All reports, records and data assembled by any probation officer and referred to the court shall be privileged and shall not be available for public inspection except upon order of the court to which the same was referred.
- "(c) In no case shall the right to inspect said report be denied the defendant or his counsel after said report has been completed or filed.

"\$15-22-54**.**

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- "(a) The period of probation or suspension of execution of sentence shall be determined by the court and shall not be waived by the defendant, and the period of probation or suspension may be continued, extended, or terminated. However, except as provided in Section 32-5A-191 relating to ignition interlock requirements, in no case shall the maximum probation period of a defendant guilty of a misdemeanor exceed two years, nor shall the maximum probation period of a defendant guilty of a felony exceed five years. When the conditions of probation or suspension of sentence are fulfilled, the court shall, by order duly entered on its minutes, discharge the defendant.
- "(b) The court granting probation may, upon the recommendation of the officer supervising the probationer,

terminate all authority and supervision over the probationer prior to the declared date of completion of probation upon showing a continued satisfactory compliance with the conditions of probation over a sufficient portion of the period of the probation. At least every two years, and after providing notice to the district attorney, the court shall review the probationer's suitability for discharge from probation supervision if the probationer has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

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"(c) At any time during the period of probation or suspension of execution of sentence, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence, upon which the court shall hold a violation hearing. No probationer shall be held in jail awaiting such violation hearing for longer than 20 business days, unless new criminal charges are pending. If the hearing is not held within the specified time, the sheriff shall release the probation violator unless there are other pending criminal charges. A judge shall have authority to issue a bond to a probationer for release from custody.

"(d) Except as provided in Chapter 15 of Title 12, any probation officer, police officer, or other officer with power of arrest, when requested by the probation officer, may

arrest a probationer without a warrant. In case of an arrest
without a warrant, the arresting officer shall have a written
statement by the probation officer setting forth that the
probationer has, in his or her judgment, violated the
conditions of probation, and the statement shall be sufficient
warrant for the detention of the probationer in the county
jail or other appropriate place of detention until the
probationer is brought before the court. The probation officer
shall forthwith report the arrest and detention to the court
and submit in writing a report showing in what manner the
probationer has violated probation.

"(1) If the defendant violates any condition of probation or suspension of execution of sentence, the court, after a hearing, may implement one or more of the following options:

"a. Continue the existing probation and suspension of execution of sentence.

"b. Issue a formal or informal warning to the probationer that further violations may, subject to paragraph f., result in revocation of probation or suspension of execution of sentence.

"c. Conduct a formal or informal conference with the probationer to reemphasize the necessity of compliance with the conditions of probation.

"d. Modify the conditions of probation or suspension of execution of sentence, which conditions may include the addition of short periods of confinement, not to exceed 90 days incarceration in a county jail, a facility of the Department of Corrections, or work release type facility, if available.

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"e. Revoke the probation or suspension of execution of sentence for a defendant who is not an eligible offender as defined herein. If the court revokes probation, it may, after a hearing, impose the sentence that was suspended at the original hearing or any lesser sentence.

"f. In addition to the provisions of paragraphs a.

to d., inclusive, of this subdivision, the probation of an
eligible offender may be revoked and the defendant required to
serve a term of not more than 90 days imprisonment in a

Department of Corrections facility, which may include
participation in the restart program, LIFETech program, or a
technical violator program or, if no space is available in a
Department of Corrections facility, not more than 90 days in
the county jail.

"g. Notwithstanding any law to the contrary,

following release of an eligible offender from incarceration,

the sentencing court shall have jurisdiction to sentence the

defendant to a period of probation, not to exceed five years

1	or the remainder of his or her suspended sentence, whichever
2	is less.
3	"(2) The court may also continue the existing
4	probation and suspension of execution of sentence of any
5	defendant with the additional condition that the probationer
6	does any of the following:
7	"a. Participates in a community corrections program.
8	"b. Participates in a county work release program.
9	"c. Performs community service.
10	"d. Undergoes intensive probation supervision.
11	"e. Participates in a residential or outpatient drug
12	or alcohol treatment program.
13	"f. Participates and completes a Life Skills
14	Influenced by Freedom and Education Tech (LIFETech)
15	residential program.
16	" (3) If revocation results in a sentence of
17	confinement, credit shall be given for all time spent in
18	custody prior to revocation. Full credit shall be awarded for
19	full-time confinement in facilities such as county jail, state
20	prison, state technical violator programs, and boot camp.
21	Credit for other penalties, such as work release programs,
22	intermittent confinement, and home detention, shall be left to
23	the discretion of the court, with the presumption that time
24	spent subject to these penalties will receive half credit. The

court shall also give significant weight to the time spent on

1	probation in substantial compliance with the conditions
2	thereof. The total time spent in confinement may not exceed
3	the term of confinement of the original sentence.
4	"(4) The court shall not revoke probation and order
5	the confinement of the probationer for violations of the
6	conditions of probation unless the court finds on the basis of
7	the original offense and the probationer's intervening
8	conduct, either of the following:
9	"a. No measure short of confinement will adequately
10	protect the community from further criminal activity by the
11	probationer.
12	"b. No measure short of confinement will avoid
13	depreciating the seriousness of the violation.
14	"(5) A defendant determined by the court to be
15	indigent shall not be excluded from a determination as an
16	eligible offender solely because of nonpayment of
17	court-ordered monies. Only the willful nonpayment of
18	court-ordered monies shall exclude an otherwise eligible
19	defendant from being considered an eligible offender.
20	"(e) For purposes of this section and Section
21	15-22-54.1, the following words have the following meanings:
22	"(1) ADMINISTRATIVE VIOLATION. Any violation of the
23	rules and conditions of probation other than one of the
24	following:
25	"a. A violation of law.

_	D. rossession, receipt, or cransportation or any
2	firearm.
3	"c. Any violation of any condition prohibiting
4	contact with any victim.
5	"d. A violation of any condition which presented a
6	danger to the health, safety, or welfare of any person.
7	" (2) ELIGIBLE OFFENDER. A nonviolent offender
8	meeting all of the following criteria:
9	"a. Serving a probationary sentence who has
10	committed an administrative violation only.
11	"b. Who has no pending criminal charges.
12	"c. Has no convictions for a new offense since the
13	time the offender was placed on probation.
14	"d. Has not on two or more previous occasions been
15	found by a court to be in violation of any condition of the
16	current probation.
17	" (3) NEW OFFENSE. Any misdemeanor or felony, whether
18	in violation of state or federal law except for minor
19	misdemeanor traffic offenses.
20	"(4) NONVIOLENT OFFENDER. A person who has not been
21	convicted at any time of any crime defined in subdivision (13)
22	of Section 12-25-32 and who is not currently on probation for
23	a crime the court finds involved actual or attempted physical
24	harm or injury to any person.

"(e) After conducting a violation hearing and 1 2 finding sufficient evidence to support a probation violation, 3 the court may revoke probation to impose a sentence of imprisonment, and credit shall be given for all time spent in 4 5 custody prior to revocation. If the probationer was convicted of a Class D felony and his or her probation is revoked, the 6 7 incarceration portion of any split sentence imposed due to 8 revocation shall be limited to two years or one-third of the original suspended prison sentence, whichever is less. 9 However, in all cases, excluding violent offenses defined 10 11 pursuant to Section 12-25-32 and classified as a Class A 12 felony, and sex offenses, defined pursuant to Section 13 15-20A-5, the court may only revoke probation as provided 14 below: 15

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"(1) Unless the underlying offense is a violent offense as defined in Section 12-25-32 and classified as a Class A felony, when a defendant under supervision for a felony conviction has violated a condition of probation, other than arrest or conviction of a new offense or absconding, the court may impose a period of confinement of no more than 45 consecutive days to be served in the custody population of the Department of Corrections. Within 90 days of the effective date of this act, the Department of Corrections shall develop and implement a streamlined process to transport and receive the probationer into its custody population and shall identify

1	and, if possible, implement policies aimed at reducing the
2	administrative delays, if any, in transferring to the
3	Department of Corrections the physical custody of the
4	probationer and those whose probation has been revoked. Such
5	process shall be developed in cooperation with the Alabama
6	Sheriffs' Association and the Association of County
7	Commissions of Alabama. Such process shall include the most
8	cost-effective method to process sanctioned probation
9	violators for the maximum 45 day confinement period and shall
10	provide that the Department of Corrections shall reimburse the
11	state mileage rate, as determined by the Alabama Comptroller's
12	Office, to the county for any state inmate sanctioned as a
13	probation violator and transferred to or from a Department of
14	Corrections facility by the county. Upon completion of the
15	confinement period, the remaining probation period or
16	suspension of sentence shall automatically continue upon the
17	defendant's release from confinement. The court shall not
18	revoke probation unless the defendant has previously received
19	a total of three periods of confinement under this subsection.
20	For purposes of revocation, the court may take judicial notice
21	of the three total periods of confinement under this
22	subsection. A defendant shall only receive three total periods
23	of confinement under this subsection. The maximum 45 day term
24	of confinement ordered under this subsection for a felony
25	shall not be reduced by credit for time already served in the

1	case. Any such credit shall instead be applied to the
2	suspended sentence. In the event the time remaining on the
3	imposed sentence is 45 days or less, the term of confinement
4	shall be for the remainder of the defendant's sentence.
5	"(2) The total time spent in confinement under this
6	subsection shall not exceed the term of the defendant's
7	original sentence.
8	"(3) Confinement shall be immediate. The court shall
9	be responsible for ensuring that the circuit clerk receives
10	the order revoking probation within five business days. The
11	circuit clerk shall insure that the Department of Corrections
12	receives necessary transcripts for imposing a period of
13	confinement within five business days of its receipt of the
14	<pre>court's order.</pre>
15	"(4) If a probation violator, as described in
16	subdivision (1), is presented to the county jail for
17	confinement and the probation violator has a serious medical
18	condition, the confinement of the probation violator creates a
19	security risk to the jail facility, or the jail is near, at,
20	or over capacity, the sheriff may refuse to admit the
21	probation violator. If while in custody of the county jail the
22	probation violator develops a serious medical condition, the
23	confinement of the probation violator creates a security risk
24	to the facility, or the county jail reaches near, at, or
25	overcapacity, the sheriff may release the probation violator

upon notification to the probation officer and to the court

who has jurisdiction over the probation violator. A sheriff

and his or her staff shall be immune from liability for

exercising discretion pursuant to Section 36-1-12 in refusing

to admit a probation violator into the jail or releasing a

probation violator from jail under the circumstances described

above.

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"(f) In lieu of the provisions of subsections (c)
through (e), when a probationer violates his or her probation
terms and conditions imposed by the court, his or her
probation officer may, after administrative review and
approval by the officer's supervisor, require the probationer
to submit to behavioral treatment, substance abuse treatment,
GPS monitoring, such other treatment as determined by the
board or supervising officer, or a period of confinement in a
consenting jail facility as specified in subdivision (10) of
Section 15-22-52.

"(q) Prior to imposing a sanction provided under subsection (f) and pursuant to subdivision (10) of Section 15-22-52, the probationer must first be presented with a violation report, with the alleged probation violations and supporting evidence noted. The probationer may file a motion with the court to conduct a probation violation hearing within 10 days. The probationer shall be given notice of the right to such hearing and advised of the right (i) to a hearing before

1	the court on the alleged violation in person, with the right
2	to present relevant witnesses and documentary evidence; (ii)
3	to retain and have counsel at the hearing and that counsel
4	will be appointed if the probationer is indigent; and (iii) to
5	confront and cross examine any adverse witnesses. Upon the
6	signing of a waiver of these rights by the probationer and the
7	supervising probation officer, with approval of a supervisor,
8	the probationer may be treated, monitored, or confined for the
9	period recommended in the violation report and designated in
10	the waiver. However, the probationer shall have no right of
11	review if he or she has signed a written waiver of rights as
12	provided in this subsection.

"(h) The board shall adopt guidelines and procedures to implement the requirements of this section, which shall include the requirement of a supervisor's approval prior to a supervising probation officer's exercise of the delegation of authority authorized by subsection (f).

Section 4. Section 29-2-20, Code of Alabama 1975, is hereby amended to read as follows:

"\$29-2-20.

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"(a) A permanent legislative committee which shall be composed of eight members, two of whom shall be ex officio members and six of whom shall be appointed members, three each to be appointed by the President of the Senate and Speaker of the House, who shall both serve as the ex officio members,

shall be formed to assist in realizing the recommendations of the legislative prison task force and examine all aspects of the operations of the Department of Corrections. The chairman of the committee shall be selected by and from among the membership. The committee shall make diligent inquiry and a full examination of Alabama's present and long term prison needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the fifteenth legislative day of each regular session that the committee continues to exist.

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"(b) The committee shall study and address mental health issues for prisoners reentering the community after a term of imprisonment in order to streamline the sharing of critical mental health information and in order to address barriers to accessing mental health treatment for such prisoners. The committee shall report such findings to the legislature no later than April 20, 2016 and shall work in conjunction with the following in studying and addressing such issues:

"(1) Department of Corrections;

"(2) Board of Pardons and Paroles;

"(3) Department of Mental Health;

"(4) Administrative Office of Courts;

"(5) Office of Prosecution Services;

"(6) Office of the Attorney General;

Τ	"(/) Alabama Law Enforcement Agency;
2	"(8) Association of County Commissions of Alabama;
3	"(9) Alabama Probate Judges Association;
4	"(10) Alabama Sheriffs' Association;
5	"(11) Alabama Criminal Defense Lawyers Association;
6	"(12) Alabama Circuit Judges' Association;
7	"(13) Department of Public Health;
8	"(14) Office of the Governor;
9	"(15) Alabama District Attorneys Association;
10	"(16) Alabama Drug Abuse Task Force; and
11	"(17) Any other advocacy groups as determined by the
12	<pre>committee.</pre>
13	"(c) The committee shall study and address issues
14	related to felony restitution collection in order to improve
15	rates of collection for restitution obligations in felony
16	cases and establish best practices relating to a defendant's
17	ability to pay obligations owed. The committee shall report
18	such findings to the legislature no later than April 20, 2016
19	and shall work in conjunction with the following in studying
20	and addressing such issues:
21	"(1) Department of Corrections;
22	"(2) Board of Pardons and Paroles;
23	"(3) Administrative Office of Courts;
24	"(4) Office of Prosecution Services;
25	"(5) Office of the Attorney General;

1	" <u>(6) Alabama Law Enforcement Agency;</u>
2	"(7) Alabama Criminal Defense Lawyers Association;
3	"(8) Alabama Circuit Judges' Association;
4	"(9) Association of County Commissions of Alabama;
5	"(10) Alabama Sheriffs' Association;
6	"(11) Alabama Crime Victims Compensation Commission;
7	"(12) The Alabama Circuit Clerk's Association.
8	"(13) Two crime victims' rights advocates designated
9	by the Attorney General;
10	"(14) Two members from the Alabama District
11	Attorneys Association, of which one shall be from a largely
12	populated metropolitan judicial circuit and the other shall be
13	from a small, rurally populated judicial circuit; and
14	"(15) Any other advocacy groups as determined by the
15	<pre>committee.</pre>
16	"(d) The committee shall study and address capacity
17	issues within the Department of Corrections to include, but
18	not limited to, the issue of design capacity and operational
19	or functional capacity, as well as the construction of new
20	prison facilities and the renovation of current correctional
21	facilities as they relate to prison overcrowding and public
22	safety. The committee shall report such findings to the
23	legislature no later than April 20, 2016 and shall work in
24	conjunction with the following in studying and addressing such
25	issues:

1	"(1) Department of Corrections;
2	"(2) Board of Pardons and Paroles;
3	"(3) Department of Mental Health;
4	"(4) Department of Public Health;
5	"(5) Administrative Office of Courts;
6	"(6) Office of Prosecution Services;
7	"(7) Office of the Attorney General;
8	"(8) Alabama Law Enforcement Agency;
9	"(9) Alabama Drug Abuse Task Force;
10	"(10) Alabama Criminal Defense Lawyers Association;
11	"(11) Alabama Circuit Judges' Association;
12	"(12) Association of County Commissions of Alabama;
13	"(13) Two members from the Alabama Sheriffs'
14	Association, of which one shall be from a largely populated
15	metropolitan judicial circuit and the other shall be from a
16	small, rurally populated judicial circuit; and
17	"(14) Two members from the Alabama District
18	Attorneys Association, of which one shall be from a largely
19	populated metropolitan judicial circuit and the other shall be
20	from a small, rurally populated judicial circuit.
21	"(e) The studies and collaborating partners provided
22	for in this section shall reflect the racial, gender,
23	geographic, urban/rural, and economic diversity of the state."
24	Section 5. Section 36-18-25, Code of Alabama 1975,
25	is hereby amended to read as follows:

1 "\$36-18-25.

"(a) All persons convicted of a criminal offense as set out in Section 36-18-24 shall, when requested by the director submit to the taking of a DNA sample or samples as may be specified by the director, provided, however, the director shall promulgate such rules and regulations as may be necessary for the purposes of ensuring that DNA samples are collected in a medically approved manner.

- "(b) As of May 6, 1994, all persons serving any sentence of probation for any of the offenses set out in Section 36-18-24 shall, when requested by the director, submit to the taking of a DNA sample or samples as specified by the director. Upon the refusal of any such person to so submit the sentencing court shall order such submission as a mandatory condition of probation.
- "(c) (1) All persons arrested for any felony offense on or after October 1, 2010, or for any sexual offense including, but not limited to, those that would require registration pursuant to the Community Notification Act, Article 2, commencing with Section 15-20-20, of Chapter 20, Title 15, on or after October 1, 2010, shall have a DNA sample drawn or taken, as specified by the director, at the same time he or she is fingerprinted pursuant to the booking procedure or at the time of arrest.

"(2) For purposes of this chapter, a juvenile who is arrested for an offense covered by this chapter or adjudicated delinquent for the commission of a felony-grade delinquent act shall be considered a person who is arrested for a felony or other specified offense.

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"(3) Notwithstanding the other provisions of this section, any person arrested for a felony offense or a sexual offense, including a juvenile pursuant to subdivision (2), shall consent in writing freely and voluntarily to provide a DNA sample and shall be informed that they are providing written permission without any threats or promises. The person shall have the right to refuse to provide a sample pursuant to subdivision (1) or (2) without penalty. The refusal may not be used as evidence against the person in any proceeding.

"(4) (3) If it is determined that the person's DNA sample has been included in the DNA database, and has not been subject to a court's order expunging the record from the DNA database, no additional sample is required.

"(d) As of May 6, 1994, all persons convicted of any of the offenses set out in Section 36-18-24 shall be ordered to submit to the taking of a DNA sample or samples as specified by the director as a mandatory condition of any term of probation or suspended sentence which may be imposed by the sentencing court.

"(e) As of May 6, 1994, all persons convicted for
any offense set out in Section 36-18-24 and under any sentence
of confinement to any incarceration facility, shall, when
requested by the director, submit to the taking of a DNA
sample or samples as specified by the director. Upon the
refusal of any such person to so submit, the custodian of the
incarceration facility shall require such submission as a
mandatory condition of any temporary, partial, or limited
release, including, but not limited to, work release,
furlough, or other incentive release.

- "(f) As of May 6, 1994, all persons convicted of any of the offenses set out in Section 36-18-24, shall be ordered by the sentencing court to submit to the taking of a DNA sample or samples as may be specified by the director as part of the sentence to be imposed.
- "(g) As of May 6, 1994, all persons convicted for any offense set out in Section 36-18-24 who may be eligible for consideration by the Alabama Board of Pardons and Paroles for either a pardon or parole shall be ordered by the Alabama Board of Pardons and Paroles to submit to the taking of a DNA sample or samples as may be specified by the director, as a mandatory condition of the pardon or parole.
- "(h) Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions

1	based	on	the p	perfo	rmance	of a	any	duty	impose	ed k	by th	is	article
2	or the	e fa	ailure	e to	perform	ı any	, du	ıty i	mposed	by	this	ar	ticle.

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- "(i) A DNA sample obtained in good faith shall be deemed to have been obtained in accordance with the requirements of this chapter and its use in accordance with this chapter is authorized until the circuit court in which an individual was convicted or, in a case where the DNA sample was collected pursuant to a felony or sexual offense arrest, the circuit court where the individual was arrested, orders that the DNA sample should be expunged.
- "(j) DNA records and DNA samples submitted to the Department of Forensic Sciences may only be released for one of the following authorized purposes:
- "(1) For law enforcement identification purposes, including the identification of human remains, to federal, state, or local criminal justice agencies.
- "(2) For criminal defense and appeal purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged or was convicted.
- "(3) If personally identifiable information is removed for forensic validation studies, forensic protocol development, or quality control purposes."

1	Section 6. Sections 13A-8-4.1, 13A-8-8.1,
2	13A-8-18.1, 13A-9-3.1, and 13A-9-6.1 are added to the Code of
3	Alabama 1975, to read as follows:
4	"§13A-8-4.1
5	"(a) The theft of property that exceeds five hundred
6	dollars (\$500) in value but does not exceed one thousand four
7	hundred and ninety-nine dollars (\$1,499) in value, and which
8	is not taken from the person of another, constitutes theft of
9	property in the third degree.
10	"(b) Theft of property in the third degree is a
11	Class D felony.
12	"(c) The theft of a credit card or a debit card,
13	regardless of its value, constitutes theft of property in the
14	third degree.
15	"\$13A-8-8.1
16	"(a) The theft of lost property which exceeds five
17	hundred dollars (\$500) in value but does not exceed one
18	thousand four hundred and ninety-nine dollars (\$1,499) in
19	value constitutes theft of lost property in the third degree.
20	"(b) Theft of lost property in the third degree is a
21	Class D felony.
22	"\$13A-8-18.1
23	"(a) Receiving stolen property which exceeds five
24	hundred dollars (\$500) in value but does not exceed one

thousand four hundred and ninety-nine dollars (\$1,499) in

1	value	constitutes	receiving	stolen	property	in	the	third
2	degree	.						

- "(b) Receiving stolen property in the third degree

 is a Class D felony.
- 5 "\$13A-9-3.1
- "(a) A person commits the crime of forgery in the 6 7 third degree if, with intent to defraud, he or she falsely 8 makes, completes, or alters a written instrument which is or purports to be, or which is calculated to become or to 9 10 represent if completed, an assignment or a check, draft, note, 11 or other commercial instrument which does or may evidence, 12 create, transfer, terminate or otherwise affect a legal right, 13 interest, obligation or status.
- "(b) Forgery in the third degree is a Class D felony.
- 16 "\$13A-9-6.1
- "(a) A person commits the crime of criminal

 possession of a forged instrument in the third degree if he or

 she possesses or utters a forged instrument of a kind covered

 in Section 13A-9-3.1 with knowledge that it is forged and with

 intent to defraud.
- "(b) Criminal possession of a forged instrument in the third degree is a Class D felony."
- Section 7. (a) The theft of services which exceeds
 five hundred dollars (\$500) in value but does not exceed one

1	thousa	and four	hundred	l and	ninety-nine	e dolla	ars (\$1	499)	in
2	value	constitu	utes the	ft of	services i	in the	third	degree	<u> </u>

- 3 (b) Theft of services in the third degree is a Class 4 D felony.
- Section 8. Sections 15-22-26.1, 15-22-36.3, and

 15-22-57 are added to the Code of Alabama 1975, to read as

 follows:
- 8 "\$15-22-26.1

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- 9 "(a) The position of Board of Pardons and Paroles
 10 Administrative Hearing Officer is created and established,
 11 subject to provisions of the state Merit System.
 - "(b) The board may appoint or employ, as the board deems necessary, three administrative hearing officers who shall possess the powers and duties prescribed below in subsection (c). The first three appointments shall be provisional appointments made by the board pending job analysis and compilation of the examination for the state Merit System classification.
 - "(c) Administrative hearing officers shall have the following powers and duties, subject to guidelines established by the board:
- "(1) No later than 12 months prior to the date an inmate is eligible for parole, as determined by the board, he or she shall investigate and review the inmate's preparedness for release to parole supervision by the board. Such

investigation and review shall consider all factors deemed relevant to determine preparedness for release to parole as determined by the board's guidelines.

"(2) No later than 30 days prior to the date an inmate is eligible for parole, as determined by the board, he or she shall interview the inmate to provide the opportunity for the inmate to present his or her case for parole consideration to the board. Such interview may be conducted via video-conference, subject to guidelines and rules established by the board.

"(d) The board may adopt guidelines, policies, and procedures necessary for the implementation of this section.

"\$15-22-36.3

2.1

"(a) Prior to an inmate's participation in a work release program or supervised reentry program established under Chapter 8 of Title 14, participation in a community punishment and corrections program established under Article 9 of Chapter 18 of Title 15, participation in the Supervised Intensive Restitution program established under Article 7 of Chapter 18 of Title 15, or any temporary leave from prison or furlough, notification of the inmate's participation in such program, leave, or furlough shall be provided to the district attorney and to the victim and interested parties through the victim notification system established pursuant to Section 15-22-36.2 and under the provisions of Section 15-22-36.

1	" §15-22-57
2	"The Board of Pardons and Paroles shall adopt and
3	promulgate regulations and guidelines to:
4	"(1) Establish a program of limited supervision for
5	probationers who qualify addressing eligibility using
6	validated risk and needs assessments, transfers among levels
7	of supervision, to include the transfer of lower-risk
8	individuals to an administrative form of probation, and
9	reporting requirements;
10	"(2) Develop policies and procedures for screening,
11	assessment, and referral for probationers to connect with
12	recidivism reduction services including, but not limited to,
13	cognitive behavioral intervention and substance abuse
14	treatment;
15	"(3) Establish a matrix of rewards for compliance
16	and pro-social behaviors and swift, certain and graduated
17	sanctions to be imposed by the board under the provisions of
18	subsections (f) and (g) of Section 15-22-54 in response to
19	corresponding violations of probation terms or conditions
20	imposed; and
21	"(4) Ensure that the provisions of subsections (k)
22	and (1) of Section $15-22-24$ are implemented relating to the
23	supervision and treatment of probationers."
24	Section 9. (a) A convicted defendant sentenced to a
25	period of confinement under the supervision of the Department

of Corrections shall be subject to the following provisions,
unless the defendant is released to a term of probation or
released on parole under the provisions of Chapter 22 of Title
15:

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- (1) If the defendant is sentenced to a period of five years or less, he or she shall be released to supervision by the Board of Pardons and Paroles no less than three months and no more than five months prior to the defendant's release date;
- (2) If the defendant is sentenced to a period of more than five years but less than 10 years, he or she shall be released to supervision by the Board of Pardons and Paroles no less than six months and no more than nine months prior to the defendant's release date; or
- (3) If the defendant is sentenced to a period of 10 years or more, he or she shall be released to supervision by the Board of Pardons and Paroles no less than 12 months and no more than 24 months prior to the defendant's release date.
- (b) The provisions of this section shall not apply to a defendant convicted of any sex offense involving a child, as defined in Section 15-20A-4.
- (c) Prior to the defendant's release to supervision pursuant to this section, notice of such release shall be provided to the victim and interested parties through the

L	victim	notifi	cation	syster	m establis	ned	pursuant	to	Section
2	15-22-3	36.2 an	d under	the p	provisions	of	Section	15-2	22-36.

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(d) Release of an offender to supervision pursuant to this section shall be release to an intensive program under the supervision of the Board of Pardons and Paroles.

Section 10. (a) In every instance, the court shall retain jurisdiction of any person who reaches the end of his or her sentence, received a termination of supervised or unsupervised parole or supervised or unsupervised probation, or in any way has completed all terms of his or her sentence or incarceration pursuant to this act or any other provision of law for the purposes of the enforcement of a court order related to uncollected court-ordered fines, fees, costs or restitution, pursuant to Division 4 of Article 6 of Chapter 17 of Title 12 and Article 4A of Chapter 18 of Title 15.

(b) All interest, fees, or penalties prescribed by law must be attached to any unpaid sums pursuant to Division 4 of Article 6 of Chapter 17 of Title 12 and Article 4A of Chapter 18 of Title 15.

Section 11. If a defendant is participating in a court supervised evidence-based treatment program, as that term is defined in Section 12-25-32, a court ordered faith-based program, or any other court ordered rehabilitative program and is subsequently terminated from that program, the court may then order that the defendant be confined in either

a prison, jail-type institution, treatment institution, or a consenting community corrections program. The court shall impose a sentence length that complies with either Section 13A-5-6, Section 13A-5-9, or the sentencing guidelines, whichever is applicable. Nothing in this section shall preclude the court from imposing a split sentence under Section 15-18-8 or from suspending a sentence under Section 15-22-50. Nothing in this section shall limit the court's discretion with regard to any defendant ordered to participate in a court supervised evidence-based treatment program, as that term is defined in Section 12-25-32, a court ordered faith-based program, or any other court ordered rehabilitative program, whether pre-trial, pre-trial adjudication, or as a condition of bond.

Section 12. Pursuant to subsection (d) of 21 U.S.C. \$862a, a person convicted of a drug related felony who is otherwise ineligible for aid under the Temporary Assistance for Needy Families program and/or the federal Supplemental Nutrition Assistance Program shall be eligible for the aid upon completion of his or her sentence or if the person is satisfactorily serving a sentence of a period of probation, including if the person has satisfactorily completed mandatory participation in a drug treatment program, provided the person meets all other requirements for eligibility under the program or programs. Any person eligible for aid pursuant to this

provision shall still comply with all other requirements for receiving aid, including those related to drug testing.

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Section 13. (a) The Alabama Law Enforcement Agency shall develop and implement a Class D hardship driver license program with specified and limited driving privileges for inmates in work release programs or community corrections programs and for persons released from incarceration from the Department of Corrections. Each person released from a period of confinement from the Department of Corrections, immediately following his or her release, shall be eligible to apply for a hardship driver license with specified and limited driving privileges from the Alabama Law Enforcement Agency subject to rules, regulations, restrictions, and eligibility requirements established by the Alabama Law Enforcement Agency, as well as subject to payment of a fee not to exceed the cost of production of the hardship driver license.

(b) The Secretary of the Alabama Law Enforcement
Agency shall promulgate such rules, regulations, restrictions,
and eligibility requirements as are necessary to implement the
provisions of this section. Additionally, the Alabama Law
Enforcement Agency shall collaborate with the Board of Pardons
and Paroles to implement the provisions of this section.

Section 14. (a) In this section, "program" means the Pilot Program for Small Business Development by Ex-Offenders.

L	(b)(1) On or before January 1, 2016, subject to the
2	availability of funds, the Alabama Department of Economic and
3	Community Affairs (ADECA), in consultation with the Department
1	of Corrections, shall establish a program to assist
5	individuals exiting the correctional system by providing both
5	of the following:

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- a. Training in how to establish small businesses.
- b. Funding to establish small businesses.
- (2) The program established under this section shall terminate at the end of December 31, 2020.
- (3) ADECA may coordinate with other entities that offer to provide resources for the program, including funding, training, and mentoring services.
- (c) ADECA shall develop an evaluation process for the program that includes a mechanism to evaluate whether the program has operated to encourage the establishment of stable small businesses by individuals who have participated in the program.
- (d) In consultation with the Department of Corrections, ADECA shall select individuals to participate in the program who:
 - (1) Have recently exited the correctional system.
- (2) Have identified an interest or a skill set that indicates a likelihood of successful implementation of the business plan proposed by the individual.

1	(e) An individual selected to participate in the
2	program shall receive training and mentoring in the
3	development of a business plan.

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- (f) ADECA shall do both of the following:
- (1) Partner an individual participating in the program with a mentor who will guide the individual over a three-year period following the implementation of the individual's business plan.
- (2) Assist the individual in obtaining financing for the individual's small business through the Alabama Small Business Incubator Act, Sections 41-23-60 to 41-23-66, inclusive, Code of Alabama 1975, or through other sources.
- (g) On or before February 1, 2017, ADECA shall report to the Legislature the effectiveness of the Pilot Program established under this section in assisting individuals who have been recently released from the correctional system in establishing successful, stable small businesses.
- (h) This section shall take effect July 1, 2015. It shall remain effective for a period of five years and six months. At the end of December 31, 2020, with no further action required by the Legislature, this section shall be abrogated and of no further force and effect.
- Section 15. The Commissioner of the Department of Corrections shall release into the custody of the United

States Bureau of Prisons, or its authorized representative, any person in the custody of the Department of Corrections whose federal sentence exceeds his or her sentence in Alabama unless he or she was convicted of a Class A felony or a sex offense defined pursuant to Section 15-20A-5.

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Section 16. In addition to facilities utilizing evidence-based practices, a sentencing court may also utilize a faith-based or nonprofit facility that is exempt from the provisions of this act pursuant to subdivision (5) of subsection (b) of Section 15-18-180 for counseling, education, or other rehabilitation services.

Section 17. (a) No person under the age of 18 years, including one who has been transferred for criminal prosecution pursuant to Section 12-15-203 or charged pursuant to Section 12-15-204, shall be detained or confined in any facility under the control of the Department of Corrections unless the facility is fully compliant with the sight and sound separation requirements in subsection (d) of Section 12-15-208. The use of solitary confinement or other practice resulting in extended isolation as a method of complying with subsection (d) of Section 12-15-208 shall be prohibited.

(b) The implementation of this section shall be contingent on funds being appropriated to accomplish this provision.

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Section 18. Prior to the effective date of this act,

the Board of Pardons and Paroles shall collaborate with the

Alabama Sentencing Commission to define and establish the

fundamental terms and conditions of high intensity probation.

Section 19. The portions of this act relating to the substantive provisions of criminal offenses shall apply to offenses committed after the effective date of this act. The portions of this act relating to terms of supervision of persons by the Board of Pardons and Paroles shall apply to all persons under supervision of the Board of Pardons and Paroles on the effective date of this act or in the future.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 22. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

1	Section 23. This act shall become effective on
2	January 30, 2016 following its passage and approval by the
3	Governor, or its otherwise becoming law. However, this act
4	shall only become effective if the Director of Finance
5	certifies that specific funding to implement the provisions of
6	this act has been appropriated to the Board of Pardons and
7	Paroles and the Department of Corrections.

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4		President and Presiding Officer of the Senate
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6		Speaker of the House of Representatives
7 8 9 10 11 12 13 14	SB67 Senate 02-APR-15 I hereby certify that the within Act originated in and passed the Senate, as amended. Patrick Harris Secretary	
16 17 18		Representatives and passed 07-MAY-15
20 21 22	Senate c	oncurred in House amendment 07-MAY-15
23 24	By: Sena	tor Ward